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DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume XI

Part II

1852 - 1853

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

General Editor
Elizabeth Gibbs

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Volume XI, Part II
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*Centre de recherche en histoire économique du Canada français

MONDAY, 27 SEPTEMBER 1852.

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MR. SPEAKER laid before the House,--Statement of the Affairs of the Montreal Firemen's Benevolent Association, to September, 1852.

For the said Statement, see Appendix (E.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Mongenais,--The Petition of the Honorable R.U. Harwood and others, of the County of Vaudreuil.

By Mr. Fortier,--The Petition of Charles Campbell, Esquire, and others, of the Municipal Division Number one of the County of Megantic.

By Mr. Burnham,--The Petition of the Municipality of the Township of Hamilton.

By Mr. Hartman,--The Petition of the Municipality of the Township of Uxbridge; and the Petition of a Provisional Municipal Council of the County of Ontario.

By Mr. Brown,--The Petition of William Rastall and others, of Kincardine and neighbouring settlements, County of Bruce; the Petition of William Everett and others, of the Township of Chatham, County of Kent; the Petition of the Reverend

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Edward White and others, of the Township of Sarnia; the Petition of J.J. Harrison and others, of the Townships of Howard and Harwich, County of Kent; the Petition of John Dobbyn and others, of the Township of Sombra, County of Kent; the Petition of William B. Wells, Esquire, and others, of the Town of Chatham; and the Petition of the Reverend James Gardiner and others, the Minister, Officers and Members of the Church and Congregation on the Kingston Circuit of the Methodist Episcopal Church in Canada.

By Mr. Boulton,--The Petition of A. Sproston and others, Sons of Temperance, and others, of Montreal; and the Petition of R.N. Waddell and others, Merchants, of the Town of Port Hope.

By Mr. Murney,--The Petition of Andrew Hudson and others, of the Township of Tyendinaga.

By Mr. Jobin,--The Petition of the Reverend N. Guérout and others, of the County of Berthier.

By Mr. Taché,--Two Petitions of the Literary and Historical Society of Quebec.

By Mr. Fournier,--The Petition of the Municipal Council of the Municipality of Division Number one of the County of L'Islet.

Pursuant to the Order of the day, the following Petitions were read:--

Of John C. Becket and others, Officers and Members of the Grand Division of the Order of the Sons of Temperance of Canada East; praying that the Act to incorporate the Order of the Sons of Temperance in Upper Canada may be extended to Lower Canada.

Of the Reverend John Bethune, D.D., on behalf of the National School at Montreal; praying for aid.

Of the Right Reverend the Bishop of Bytown, and others, the Roman Catholic Corporation of the College at Bytown, and others; praying for aid in behalf of the said College.

Of the Municipal Council of the Municipality of the County of Vaudreuil; praying that parties whose properties have been damaged by reason of the construction of a Dam at the head of the Beauharnois Canal may be indemnified for their losses thereby.

Of P.F. De LesDermiers and others, of the Parish of Vaudreuil, County of Vaudreuil; of John Gilmour and others, of the City of Toronto; of the Reverend C. Ruttan and others, of the County of Northumberland; of Benjamin Jacobs and others, of the Counties of Peterborough and Victoria; of Thomas Clarkson and

others, of the County of York; and of Benjamin Van Norman and others, of the Township of Dereham; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Of G.H. Boulter, Esquire, M.D., and others, of the Village of Roslin and its vicinity; of the Reverend J.W. Constable and others, of the Parish of LaChute; of Andrew Hudson and others, of the Township of Tyendinaga; and of Mary McCallum and others, of the Township of Oro, County of Simcoe; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service.

Of the Municipality of the Township of Medonté; praying that the application for an Act to incorporate a Company for the construction of a Railway from Prescott to the Georgian Bay may be granted.

Of the Council of the Canadian Institute; praying for aid,

Of W.L. Conger, President of the Little Lake Cemetery Company; praying for the passing of an Act to rest a certain Road allowance in the Park Lots of the Town of Peterborough in the said Company.

Of the Municipality of the Township of Cavan; of the Municipality of the Township of South Monaghan; of the Municipality of the Township of Hope; of the

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Peterborough and Port Hope Railway Company; and of the Municipal Council of the Town of Port Hope; praying for the passing of an Act to amend the Railway Clauses Consolidation Act, so as to enable Municipal Corporations to subscribe for Stock in Railway Companies whether incorporated before or after the passing of the said Act, and to raise loans therefor.

Of John R. Lambly, Chairman, and James Burray, Secretary, on behalf of a Public Meeting of the Freeholders of the County of Megantic; praying aid for the improvement of the Roads in the said County.

Of the Toronto and Guelph Railway Company; praying for certain amendments to the Act incorporating the said Company.

Of Nathaniel Close, of the Township of Nepean; representing that in the year 1829, he settled upon a certain Lot of Land in the said Township, and that a Deed for the same has been issued the present year to Donald Kennedy of Bytown, whereby the Petitioner is in danger of being ejected therefrom and losing the labor of 23 years in improvements thereon, and praying relief in the premises.

Of Joseph Déry, Esquire, and others, of the Parish of L'Ancienne Lorette, and others; praying that the Road leading to Déry Bridge may be continued three miles in the direction of Belair, and placed under the control of the commissioners of the Quebec Turnpike Roads.

Of Charles Langevin and others, of the Parish of L'Ancienne Lorette, and others; praying aid to improve a certain part of the main Road from Quebec to Montreal, passing Belair in the said Parish.

Of Cesaire Germain and others, appointed to take the Census for certain Parishes in the District of Montreal; praying payment of certain amounts for their services in that behalf.

Of G.H. Monk and others, of Ste. Thérèse de Blainville and other places; praying that the Registry Office of the County of Terrebonne may be transferred to the Village of Ste. Thérèse therein.

Of the Niagara Harbour and Dock Company, and of Clark Gamble, of the City of Toronto, Esquire, Assignee and Trustee thereof; praying for the passing of an Act to amend the Act of last Session relating to the said Company.

Ordered, That the Petition of A. Scott and others, of Bytown and its vicinity; the Petition of Thomas Clarkson and others, of the County of York; the Petition of the Reverend William Reid and others, of the County of Prince Edward; the Peti-

tion of John Gilmour and others, of the City of Toronto; the Petition of the Reverend C. Ruttan and others, of the County of Northumberland; the Petition of Joseph Gould and others, of the Townships of Uxbridge and Scott, County of Ontario; and the Petition of Edmund Boland and others, of the Townships of Whitchurch and East Gwillimbury, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of the Municipal Council of the Municipality of the County of Vaudreuil, be printed for the use of the Members of this House.

The Honorable Mr. Hincks reported, from the Select Committee appointed to prepare and report the draught of an humble Address to Her Majesty, with reference to the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the subject of the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, that they had drawn up an Address accordingly; and the same was read, as followeth:--

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To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, most respectfully approach Your Majesty for the purpose of expressing the grateful sense which we entertain of the prompt attention which it appears by the Despatch of the 27th May, 1852, from the Right Honorable Sir John S. Pakington, Your Majesty's Secretary of State for the Colonies, to His Excellency the Governor General, Your Majesty's Government has given to the representations made on the part of this Province, and other Provinces of British North America, on the subject of the encroachments of the Fishing Vessels of the United States upon those waters from which they were excluded by the terms of the Convention of 1818, and of the readiness with which Your Majesty's Government has sent out a sufficient Naval Force to enforce the observance of that Convention; and also to express the confident hope which we entertain that no Treaty will be made with the United States of America, by which any of the rights secured to British Fishermen by that Convention may be ceded or impaired, unless such Treaty shall also include provisions embracing the whole policy of the Commercial intercourse between the said United States and the British North American Colonies.¹

MR. INSP. GEN. HINCKS submitted an address of thanks for the measures adopted for the protection of the Fisheries by Her Majesty's Government, which was passed unanimously, and a message was sent to the Executive Council, requesting their concurrence.²

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The said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors that this House hath adopted an Address to Her Majesty, with reference to the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the subject of the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. Hincks do carry the said Message to the Legislative Council.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 6th September instant, for copies of all Despatches and Correspondence which have passed between the Colonial Office in England, and His Excellency the Governor General, relative to the Seigniorial and Feudal Tenure in Lower Canada, since the last Session of the last Parliament; and also, copies of all Despatches and Correspondence between the said Colonial Office and the Government of this Province, relative to the different Tenures of Land in Lower Canada, since it has been under British rule.

For the said Return, see Appendix (I.I.)

Ordered, That the said Return be printed for the use of the Members of this House.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Christie of Gaspé, seconded by Mr. LeBoutillier,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement of all the Claims to Lands in the District of Gaspé under the Act (1847) 10 & 11 Vic. cap. 30, which to the present date remain unadjusted, and for which Patents have not been ordered; the name of the respective Claimants, the

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Townships or places wherein the Lands claimed are situate, the superficial contents in acres of each Lot claimed, the dates when the several claims were presented to the Executive, or to the Agent appointed by it for the purpose, together with any information on the subject which it may be deemed necessary to communicate to the House.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Gamble have leave to bring in a Bill to repeal the Act 7 Will. 4, cap. 18, "to regulate the expenditure of District Funds within this Province," and to provide for the auditing and payment of certain accounts by County Councils.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Boulton, seconded by Mr. Langton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Return of the quantity of all Red Pine Lumber measured under or by the authority of the Supervisor of Cullers of the Port of Quebec, during the years 1850, 1851 and 1852, and a Statement showing for and on whose account and by whom the same was measured.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to amend certain Acts for the relief of Religious Societies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Ordered, That Mr. Christie of Gaspé have leave to bring in a Bill relating to the Fisheries on the Labrador and North Shore of the Gulf of St. Lawrence.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Ridout moved, seconded by Mr. Stevenson, and the Question being put, That the 64th Rule of this House be suspended as regards the Petition of the City of Toronto Gas Light and Water Company; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Burnham, Cauchon, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Fortier, Fournier, Gamble, Gouin, Jobin, Johnson, Langton, LaTerrière, Lemieux, Sir A.N. MacNab, Malloch, Merritt, Murney, Papineau, Poulin, Attorney General Richards, Ridout, Robinson, Seymour, Short, Stevenson, Taché, Valois, Varin, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(36.)

NAYS.

Messieurs Fergusson, Hartman, Laurin, McDonald of CORNWALL, Mackenzie, Marchildon, Mattice, Morin, Rolph, Tessier, Viger, and White.--(12.)

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So it was resolved in the Affirmative.

On motion of Mr. Boulton, seconded by Mr. Langton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be prepared Maps or Plans shewing at one view the number of Limits granted in each District, and in all unsurveyed Lands of the Province, with the name of the occupant, the area of miles and acres contained in each, the number and position of Limits abandoned, the territory applied for, and what is still unoccupied or open to location in each of the said Districts or unsurveyed territory--such Plans to be laid before this House, and copies thereof prepared for exhibition in the Offices of the resident Agents for Crown and Clergy Timber Lands in each of the said Districts or parts of the Province respectively.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement in detail of the number of Limits or Licenses, or applications, which have been granted or pending to cut Timber or Saw Logs on the Ottawa River and its tributaries, or in any other part of this Province, designating each River, creek, or locality, to whom granted or by whom applied for, the area contained in every such Limit and application, the number of pieces of Timber or Saw Logs of each description of Timber cut upon each, for the years 1848, 1849, 1850, 1851, and 1852, the amount of deposit or ground rent paid for each, or yet due thereon, the amount of Government duty received, or due for, on Lumber or Logs cut upon each Limit, and the number of Limits unoccupied for the years above mentioned, and by whom owned; also, the number of transfers of Limits which have been recognized in the Crown Timber Offices at Bytown, and throughout the Province, for the years 1845 to 1852, inclusive; also, the number of pieces

of Red Pine or other Timber that has been bonded at Bytown or other places, in each and every year, for the years 1845 to 1852 inclusive, together with a Return of the number of pieces of Red Pine or other Timber from the Ottawa or other parts of the Province, which have been measured through the Supervisor of Culler's Office at Quebec, in each and every year last mentioned, and the names of the parties for which the same were so measured; also, the names and residences of all the Agents and Servants employed by the Crown about the said Lumber Trade, with the mode and amount of remuneration of each Officer.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Dixon have leave to bring in a Bill to repeal the Act 13 & 14 Vic. cap. 23, and to make further provision for protesting Foreign Bills of Exchange in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Boulton, seconded by Mr. Dixon,³

MR. BOULTON moved the Address to which the Government had consented, on a former day, for a statement relative to the Sinking Fund, the Clergy Reserves, [the] Grammar School, [and the] Indian and Jesuits' Estates Funds.⁴

A discussion arose on this motion⁵.

MR. INSP. GEN. HINCKS objected to the Indian funds being invested which he said are not under the control of the Provincial Government.⁶

This called up MR. MACKENZIE, who denounced the manner in which the accounts are stated, and which he said are so complicated, that it is impossible to understand them.⁷ [He] made a general attack upon the government for bad management of all public property, including the Indian lands.⁸ During his remarks he alluded to the Welland Canal accounts⁹, and attacked Mr. Merritt....He also alluded to¹⁰ the opinion [formerly] entertained by Mr. Hincks ... of their incorrectness.¹¹

MR. MERRITT defended himself, and characterized the attack upon him as most unfair.¹² He ... stated that these accounts had undergone a thorough investigation on two different occasions, and were declared to be perfectly satisfactory.¹³

MR. INSP. GEN. HINCKS said he was not going to trouble the House with a discussion relative to the Welland Canal; but should reply to the member for Haldimand, who had on repeated occasions made allegations with reference to the manner in which the public accounts were made up. He thought the most satisfactory way would be for that gentleman to go before the Committee of public accounts, and he¹⁴ was willing to go¹⁵ with him¹⁶, or any one else there, and explain everything to the satisfaction of the House.¹⁷ That Committee were well qualified to decide; and if they would point out any alteration, he pledged himself it should be made with reference to the Clergy Reserve fund; and if the House desired a detailed statement, let it pass a resolution to that effect. If the member for Haldimand were like any other member, he would get what information he desired.¹⁸ He said that the member for Haldimand had applied to his office for information; and because he could not get information there, which it was impossible to give him, he (Mr. Mackenzie,) had written to him a most improper and insulting letter.¹⁹ With reference to the present motion, most of the information which is sought is already before the House; and which, gentlemen who are every day making motions, would obtain if they would look for it.²⁰ With regard to the Indian Lands, he,

the Inspector General, said, that the hon. member for Haldimand was wholly mistaken in the particular Indian property alluded to. It was not the Indian property on the Grand River, it was another property altogether. He, the Inspector General, further added, that the Indian property was under the control and management of the Imperial government; and that he could not undertake the responsibility of accounting for it.²¹ He concluded by ... [saying that] there was no objection whatever to the address.²²

MR. MACKENZIE explained, that it was unmanly for the Inspector General to make statements without bringing [the] letter before the House. He denied that the letter he wrote was such as the Inspector General had characterised it.²³

MR. INSP. GEN. HINCKS again explained that the government here had nothing to do with the Indian money.²⁴

Motion granted.²⁵

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Statement of the amount now due and payable out of the Consolidated Fund towards the Sinking Fund chargeable on the Consolidated Revenue Fund of this Province, under the Provincial Statute 6 Vic. cap. 8, or of any other Statute

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relating thereto, together with a Statement of the manner in which such Sinking Fund has been disposed of, the nature of the Securities in which it has been invested, and the dates of such investment, how and where, and in what places, the balance of £247,184 7s. 10d. remaining on hand on the 31st January, 1852, was then and is now deposited, whether at interest and at what rate of interest, and for what period it is deposited; also, a similar detailed Statement of the disposition of the balances of the Clergy Reserve Fund, Grammar School Fund, Indian Fund, and Jesuits' Estates Fund, up to the same period.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to provide by one general Law for the incorporation of Electric Telegraph Companies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That Mr. Tessier have leave of absence for one week, on urgent business.

Ordered, That Mr. Stuart have leave to bring in a Bill to explain the Act, intituled, "An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemin, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

MR. MERRITT²⁶ moved that the House do go into Committee of the Whole, to consider the expediency of addressing her Majesty, relative to the distribution of medals to the militia who took an active part in the war of 1812.²⁷

The motion was granted.²⁸

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The House, according to Order, resolved itself into a Committee to take into consideration a certain Resolution whereon to adopt an humble Address to Her Most Gracious Majesty, praying that She may be pleased to order the distribution of Medals to the survivors who served in either of the various Battles in resisting the several Invasions of Canada during the Campaigns of 1812, 1813, and 1814;

MR. MERRITT rose to move the Address. In doing so, he would remark, that if ever there was a set of men entitled to reward for patriotism, undoubtedly it was the men who defended this country in 1812. We find many hard fought battles chronicled in the history of England, and we find on every occasion that the nation has been ready to return thanks, or grant rewards, to those individuals who have contributed to its success. In England, the Commander-in-Chief, residing on the spot, has the army immediately under his eye, and is always ready and willing to solicit the Government for these favours, but the colonists are denied the like interference in their behalf. We have no power to grant rewards to those who have perilled their lives, time and again, not in single actions only, but in a series of actions. It is for this reason that he called on the House to interpose its good efforts in favour of the Canadian Militia. Fortunately he had been able to find a precedent for our guidance, Mr. Sheridan having moved, in 1823, in the English House of Commons, that the thanks of the House be given to the volunteers and yeomanry, for the zeal and gallantry shown by them in turning out to resist the threatened French invasion. He moved a series of resolutions to that effect which were adopted by the House, after a long discussion. Now he (Mr. M.) would ask, if these volunteers and yeomanry were entitled to the thanks of the British nation for their good intentions, what is due to those individuals who, through three successive campaigns, resisted thirteen different attacks of the enemy, and preserved the independence of the country. Now, he would call the attention of the House to the state of this country in 1812--the strength of the force that we had at command, and the large force of the United States. The latter had not less than 8,000 regular troops, and 100,000 militia, with all the munitions of war, prepared to pounce upon the country at any time they thought proper. In Canada we had only one regiment of regular troops--the 41st regiment, 600 strong, from Kingston to Michilimackinac, which post was garrisoned by some 45 veterans. He needed no farther proof of the loyalty of the people of Canada, and of the fidelity of our Indian allies than this comparison; and he would take that opportunity of calling on the recollection of the Committee that celebrated Indian chief Tecumseth, who was not merely a warrior, but was also an hero. It is a reproach to the inhabitants of Canada that the memory of that great man has been left unhonoured to the present time; he who not only left his native country to fight in our wars, but shed the last drop of his blood in our defence. He hoped that this reproach would now be removed; and he hoped that the hon. and gallant knight from Hamilton would be prepared to bring in a resolution calling upon the Provincial Legislature to erect a monument on the spot where the noble Indian fell. Resuming the subject from which he had diverged for a moment, he said it was well known that immediately previous to the outbreak of the war, every nation in Europe, except Turkey, was in arms against Great Britain, and the United States had marched their forces to the frontier, coolly concentrated them at Detroit, and were elated at the prospect of any easy conquest, and the inhabitants of Canada were depressed in a corresponding degree. They knew the small number of men they had to oppose to the overwhelming forces of the enemy; they were sustained by the enthusiastic spirit of patriotism which prevailed throughout the country; and which was confined to no particular case, but all were alike animated with the same spirit--the defence of their country. What was the truth? On the 11th July, one month after the

declaration of war, an American army crossed the river at Detroit, and on the 12th July the celebrated proclamation which he had no doubt many still remembered was issued, by General Hall. No White Man would be taken prisoner, found fighting by the side of an Indian, but instant death would be his lot--that this war would be a war of extermination. The method was adopted to deter the people of Canada from acting in the defence of their country; but it was of no avail. On the 16th August, the American General, after having been drawn across the river, was captured with his army at Detroit. The next invasion was at Niagara on the 13th Oct. Who does not know the result? The whole army was captured, and no fooling was effected by the Americans in Canada. The third invasion was at Frenchman's Creek, under General Smythe. Those who recollect the events of that day, must call to mind the celebrated proclamation in which he called on his countrymen to come out by companies, by half-companies, by files, or singly. It is true a gallant attack was made by Col. Boerstler and Captain King on our batteries, which they succeeded in capturing, but when daylight came, all that remained were captured in turn. The fourth invasion was made under the same general on the 2nd December, who again disembarked his army. This ended the campaign of 1813 [sic]. The efforts of the American troops having been thus foiled, the whole power of the United States were directed for the purpose of forming three separate armies, under Generals Hampton, Dearborne, and Harris. The first attack was made by General Winchester, in the month of January, and [he] was captured with his whole army. This was followed by a very gallant attack by Colonel McDonnell and the regulars and militia of the Eastern District, and the capture of Ogdensburgh, which was entirely successful. Then followed the capture of York, on the 27th April, by the American forces. Subsequently Niagara was attacked and taken on the 27th May, after a very gallant defence. After that time the American forces occupied the whole of the Niagara frontier until the 6th June, when one of the fiercest actions which has ever been recorded was fought. He referred to the battle of Stoney Creek. One-third of the army which made the attack was killed and wounded. We hear of many hard fought battles which have occurred in different parts of the world, but it is scarcely possible to point out another instance of such an immense loss of life. The consequences resulting from that action can scarcely be forgotten: General Proctor was at that time in the West, and the action at Stoney Creek, followed by the capture of the two American Generals, secured the whole of the frontier. There was also another gallant feat which should not be forgotten,--he alluded to the capture of Col. Boerstler by the Cognewaga Indians, from Lower Canada, under the command of Captain DeLorimer, who distinguished themselves highly,--altho' the credit of the surrender is due to Captain Fitzgibbon, on that occasion. The army of the North also marched down and attacked Chateauguay at which point they were beaten back by the Canadian militia and regulars, with the same gallantry which distinguished them throughout the war. Another invasion was made by General McClare, but he was obliged to retreat after reaching the 20 mile Creek, leaving his tents standing; he burned Niagara, abandoned Fort George, and was followed and routed at Lewiston, Black Rock, and Buffalo, which were taken and burned in return. Thus ended the third campaign. He had almost omitted to mention the battle of Moravian Town, where we were certainly beaten, and where Tecumseth sold his life dearly, and fought valiantly. There is no record in the history of any country of similar endurance for so long a time. He would next refer to the campaign of 1814. We there find that the United States changed their tactics, and instead of attacking at three different points, they determined on concentrating their forces at Buffalo. On the 3rd July, they made the attack on Fort Erie, and succeeded in capturing it, as it was only defended by one Company of troops. That was followed by the battle of Chippewa, where we attacked the Americans with far superior forces, and where the only wonder is, that we succeeded

in making such a good retreat. General Brown subsequently marched to the attack of Fort George, but it was in such a good state of defence, that he did not venture to make an assault and retreated to Lundy's Lane, where the British forces were concentrated in great haste. In the action which ensued, the Americans were beaten, although we find that the victory is now claimed by the friends and supporters of General Scott; any one, however, who looks at the official despatches of the day, will find that the British forces remained on the field, and that the Americans retreated on Chippewa. It will be thus seen that both regulars and militia were engaged in a constant succession of harrassing engagements, that it was not merely one or two actions, but a series of destructive battles, the result of which was the withdrawal of the American forces from Fort Erie, and from the Canadian territory; so that not a single American soldier was left in the country, nor a foot of ground occupied. He would not occupy the time of the Committee any longer, but should content himself with moving the address to Her Majesty confident in the belief that it would meet with unanimous assent.²⁹

SIR A. MACNAB had great pleasure in seconding the address of his hon. friend. He thought that the militia of the Province owed that gentleman a debt of deep gratitude for bringing the subject under the notice of the House. There are few men that played a more distinguished part than that hon. gentleman, according to the rank held by him in the war of 1812. The actions he had enumerated showed how deeply he thought on this subject. In the most of those actions, the hon. gentleman had had his share. He followed his gallant father who was an officer in Simcoe's Dragoons; and any person who looked into Simcoe's journal, would be able to ascertain how highly his services were valued. He believed that the loyalty and courage of the Canadian Militia were admitted everywhere. He believed that their conduct had received the approbation of the highest authority in the land; and he believed that it was owing more to accident than to any other cause that these gallant men have not received a proper notice of their conduct, which was fully as distinguished as that of Her Majesty's regular troops; and, here, he would say, that as a British subject, he was proud of the renown of the British troops. He could not believe that there is a single Briton who is not proud of the fame they have acquired. They are a body of men who stand foremost by their gallant conduct in the proudest field of warfare in the world, and when he said that, he would say that the militia of Canada did not stand second to them in any respect. Look at the actions on the Niagara frontier, and the storming of Fort Niagara--was there ever any thing more brilliant in the military history of any people? However, he did not desire to take up the time of the Committee, for he knew that nothing he could say could elevate the character of the Canadian militia in the estimation of the people of England, and in the estimation of the world. No body of men, certainly, ever served their country with more fidelity, and more loyalty, than did the militia of Canada, during the last war; and he would say that the militia of Lower Canada did their duty with a courage and a zeal, that might have served as an example to the people of Upper Canada. Look at the battle of Plattsburgh--it is quite true that we got the worst of it, but no one can doubt the bravery and good conduct exhibited by the Voltigeurs and Chasseurs. As a militia-man, he thanked his hon. friend for offering the address; and he believed that if it were brought properly under the notice of Her Majesty, there would be no hesitation in granting at once those marks of royal favour, which are so pleasing to the gallant man who is conscious of having discharged his duty faithfully. Before sitting down, he would say in allusion to the reference made by his gallant friend, to the erection of a monument on the spot where their Indian brother, Tecumseth, fell, that no suggestion could have given him more pleasure, and that he would be most happy to consult with his hon. friend as to the proper means to be adopted to accomplish this object.³⁰

MR. INSP. GEN. HINCKS believed that there can be no second opinion in the Committee as to the propriety of adopting some means to evince the high sense entertained by the Government, and the country of the distinguished services in the last war; but a question might arise as to the proper mode of effecting that object. The member for Lincoln had taken the subject into his own hands, and he, certainly, had no idea of throwing any obstacles in that Hon. Gentleman's way; but he was of opinion that the services of the Canadian Militia had been already brought under the notice of Her Majesty's Government; and a discussion may arise as to the mode of granting them medals for their services. He believed that there were certain rules laid down by the Horse Guards relative to their distribution, and in consequence of the great number of actions in which the British troops are engaged in various parts of the world, they find it necessary to adhere very rigidly to those rules. He was not intimately acquainted with those rules, but he believed that it was not customary to grant any medal or other reward to the Queen's troops, except on occasions where the officers in command has [sic] received some particular mark of favour. Besides, he believed that the actions on the Canadian frontier had already attracted considerable attention in England, and that medals had been granted for three of these actions.--He doubted very much whether anything would result from the application, but he would throw out a suggestion for the consideration of the member for Lincoln; it is, whether something can not be done by the Government of this country if it should be impossible to succeed in England (hear, hear). At all events, if the survivors of these actions should desire, as he had no doubt they would, some distinction of the kind, he thought they could have no higher distinction than that conferred by their own Parliament and their own Government. (Hear, hear.)³¹

MR. MERRITT would mention that on the 7th June, 1847, an order was issued conferring medals on the Regulars and Militia who had taken part in the battles of Detroit, Chrysler's Farm, and Chateauguay; but there were nearly thirty other battles in which the Canadian Militia had taken part, for which no mark of royal favour was granted. He spoke, not as an interested party, because he had a medal in his possession, but he mentioned it out of a sense of justice to those parties who had perilled their lives in the defence of their country.³²

MR. PROV. SEC. MORIN said that none of the actions which had taken place in Lower Canada were mentioned in the resolutions.³³

MR. MERRITT begged the hon. gentleman's pardon. The resolutions made mention of two of the actions which had occurred in Lower Canada; and if any gentleman would mention another, he would be happy to insert it.³⁴

MR. PROV. SEC. MORIN was not as well acquainted as some hon. gentlemen with the occurrences of the war of 1812; but he conceived that there were some actions in Lower Canada in which his countrymen had played a conspicuous part, and which were omitted in the resolutions. He might mention the battle of Plattsburgh, which was lost, it is true, by the British forces; but in which the militia of Lower Canada had behaved with very great gallantry.³⁵

SIR A. MACNAB had had the honour to serve at Plattsburgh with many of the Voltigeurs and Chasseurs, and he could testify that no man could discharge their duty with more activity and loyalty than those gallant men. But it is very well known that that battle was lost, and that when the order was given to retreat, they lost a great many men by desertion. The first duty of a soldier is to obey orders, and when they turned right about face, and endeavoured to scamper back through the mud, it was impossible to reach their lines on account of the depth of the mud and the lively pursuit kept up by the American forces, who hung on

their skirts. Under these circumstances, he did not know that it would be advisable to insert Plattsburgh in the resolutions.³⁶

MR. CAUCHON asked that the question be postponed, so that it might be ascertained who was entitled to the medals--and that there should not appear to have been any difference of opinion on the subject.³⁷

MR. BROWN thought that the hon. member for Lincoln was entitled not only to the thanks of the House, but also to the thanks of the country, for bringing forward this motion. Every Canadian had good cause to feel proud of the events of the war of 1812, and he thought it was the duty of the House to use every proper means of stamping a right feeling as to the gallant campaign, on the mind of the rising generation of the Province. Not only ought every thing to be done to show proper respect for the services and bravery of the Canadian militia during the struggle, but he hoped the House would respond to the suggestion of the hon. member for Lincoln, and erect a monument on the spot where Tecumseth fell, and also on other spots rendered famous by the most brilliant events of the war. There was another suggestion which he would throw out for the consideration of the gentleman who had been connected with those events. The actors in these scenes are passing from the stage of life; a few years hence it will be impossible to obtain reminiscences of these days from the lips of those actually engaged in the struggle; and it appeared to him to be the duty of a Canadian Parliament to collect all the authentic information possible while the witnesses were yet to be had--that a reliable record of the valiant deeds of their forefathers may be in the hands and on the lips of every youth in the land. (Hear, hear.) On the other side of the lines there was not a paltry fight that had not been recorded and bepraised in such a manner as to make every man within a thousand miles of a battle, an illustrious hero in the eyes of his countrymen; and as these heroes die off, the tale of their valour is sung throughout the land. It was undoubtedly carried to an absurd extent, but still no one could conceal from himself, that it exercises a most powerful influence on the national character of the American people, and gave much of the self-confidence which had carried them to prosperity. He thought that in this country there would be no harm in availing of their example in this matter to a reasonable extent. A great evil in Canada was the absence of nationality, the absence of a feeling of confidence in the position and destinies of our country. He thought the events of the war of 1812 afforded a fit ground-work for the fostering of a better feeling, and he trusted every advantage would be taken of it.³⁸

MR. R. CHRISTIE (Gaspé) thought it would be unwise to insert Plattsburgh in the resolutions. There can be no doubt that the militia fought most gallantly, but it is also true that it resulted in a most disastrous defeat.³⁹

The resolutions were then adopted, and the Committee rose and reported them to the House.⁴⁰

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gamble reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That an humble Address be presented to Her Majesty, representing the disappointment of many of the Inhabitants of this Province when they discovered that the hardest fought Battles in Canada were not included in the General Order of the first of June, 1847, which awarded Medals for certain Actions:

That the said General Order confined the distribution of Medals to those Actions only where the General or Superior Officer of the several Armies, or

Corps of Troops engaged, had already received that distinction, consequently many of the Battles of this Country do not come under the rule thus laid down, and this House has reason to believe it will not be departed from in behalf of the Canadian Militia without a strong representation from this House:

That Her Majesty's attention be accordingly called to the distinguished services of the Canadian Militia during the War with the United States of America, with a view of removing the invidious distinction created by the distribution of those Medals:

That on the 19th June, eighteen hundred and twelve, War was proclaimed by the United States against Great Britain, and on the 11th July following, Canada was invaded by General Hull, at Sandwich, in the western part of the Province, which was the commencement of the first campaign; at a time when the whole disposable force above Kingston, did not exceed six hundred men, (the 41st Regiment:)

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That on the 13th October, the second attempt at invasion was made at Queens-ton; on the 28th November, the third at Frenchman's Creek, below Fort Erie, under Colonel Boerstler; and on the 2nd December, the fourth under General Smith, near Fort Erie; the first campaign ending by the capture of Michilimakinac and Detroit:

That the most extensive preparations were made by the Government of the United States, for invading Canada at different points during this year, 1813. Eight thousand men were raised to serve under General Hampton, called the Army of the North; General Dearborn commanded the Army of the Centre, and General Harrison, the Army of the West:

That the second campaign opened by the British forces under Colonel Macdonald of the Glengary Light Infantry, and Militia of the Johnstown and Eastern Districts, crossing on the ice, on the 22nd of February, and capturing the Garrison of Ogdensburgh; by the American Army of the North moving on Lower Canada by Lake Champlain, and by the Army of the Centre capturing York, on 27th April, and Niagara, 27th May,--and by the capture of the advanced American Army of the West, under General Winchester, at the River Raisin, as early as the 22nd January:

That notwithstanding Canada was invaded by these formidable Armies at four different points, and the whole force concentrated in November to attack Montreal, the second campaign ended by the capture of Fort Niagara in the United States, on the 18th December, together with Lewiston, Black Rock and Buffalo:

That the third campaign opened by the whole power of the United States concentrating early in 1814 at Buffalo, opposite the Niagara Frontier, under General Brown; the twelfth invasion was made at Fort Erie, on the 3rd July, and in December the same Army returned into winter quarters at Buffalo, after leaving the entire Frontier a scene of ruin and desolation:

That the third and last campaign was thus brought to a close after a series of continued Actions without the loss of a single acre of territory, the Canadian Militia having acquired, in common with the British Forces, a reputation for loyalty and gallantry of which their posterity may feel justly proud:

That Her Majesty be therefore prayed to be pleased to confer a similar Medal, to those already awarded for the Battles of Detroit, of Chrysler's Farm, and of Chateaugay, on the few survivors who so successfully defended their Country, by the capture of Michilimackinac, and in the Battle of Queenston; the capture of Ogdensburgh, the defeat and capture of General Winchester and his Army at the River Raisin, the Battles of Miami, Stoney Creek, and Beaver Dam, and the capture of Fort Niagara, Lewiston, Black Rock, and Buffalo; the Battles of Longwood, Lacolle, and Lundy's Lane, and the siege of Fort Erie, to include those who were wounded in either Action during any of the campaigns:

That although, from the length of time which has elapsed, but few of the gallant men remain who were then so conspicuously instrumental in saving this im-

portant portion of the British Empire, Her Majesty's faithful Commons humbly hope that Her Majesty will graciously grant the prayer of their loyal Address.

The said Resolution, being read a second time, was agreed to.

MR. GAMBLE took that opportunity of expressing his hearty concurrence in the patriotic views expressed by the member for Lincoln, and the hon. and gallant knight for Hamilton.⁴¹

The resolutions were then concurred in by the House, and referred to a special committee to draft an address.⁴²

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Resolved, That the said Resolution be referred to a Select Committee, composed of the Honorable Mr. Merritt, Sir Allan N. MacNab, the Honorable Mr. Viger, the Honorable Mr. Papineau, and Mr. Christie of Gaspé, to prepare and report the draught of an humble Address to Her Most Gracious Majesty in conformity therewith.

The House, according to Order, resolved itself into a Committee on the First Report of the Standing Committee on Miscellaneous Private Bills; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Valois reported, That the Committee had come to a Resolution; which was read, as followeth:--

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Resolved, That the 67th Rule of this House be amended, by leaving out the words "one hundred and fifty" and inserting "two hundred and fifty" instead thereof.

The said Resolution, being read a second time, was agreed to.

The Order of the day for the second reading of the Bill to provide for the appointment of Sheriffs of Counties in Upper Canada at periodical Elections by the freeholders, being read;⁴³

MR. MACKENZIE rose to move the second reading of the bill for the election of Sheriffs. He did not intend to go over all the arguments used the other evening in favour of rendering Sheriffs elective. That would be too much of a good thing. In fact he did not know whether he ought not to back out altogether from the motion for the second reading of this bill, when he remembered the manner in which he had been attacked by the Inspector General, and by that other pillar of the state--the hon. Commissioner of Crown Lands. He ought to be very cautious when he remembered these things, and when he remembered the attempts which were made to induce the people of Upper Canada to believe that he was using every effort to bring gentlemen on the opposition benches into office. It is very difficult for a man in his position to know what course he should take. No one could promise more faithfully than he had done in Haldimand, to bring in this measure. He had introduced it last year, with the approbation of one, at least, of the hon. gentlemen who now sit on the Treasury Benches, when the object was to turn on Mr. Baldwin; and he did not see why he should be subjected to a greater degree of vilification during the present Parliament. He could hear it all, even though they had prejudiced, as far as they were able, the whole country against him; he could not withdraw this bill. He had pledged himself to introduce and support it. If he knew what the Ministry was composed of--if he knew what they intended to do, then his course would be plain; but it was impossible for him to discover what they designed. It is not long since he asked whether they intended to bring in a measure to render the Legislative Council elective; he received an answer in the negative, and, on the very back of that, they bring in a series of resolutions to render the Legislative Council elective.--How, then, is it possible to know what course a person should take? The member for Montreal

who had recently resigned his place in the Cabinet, made it appear that the Ministry had no fixed principles, and, certainly, that seemed to be the fact. But even though that is the case, he would much rather see those gentlemen on the Treasury Benches than see the gentlemen opposite. What reason, he should like to know, was there for lashing him as he had been lashed by the ministry? He could not support them throughout, but he had no desire to see them displaced; and surely, the same privilege ought to be accorded to him, which was granted to other members of the House. Did they not see Mr. Baldwin and the Inspector General opposing each other warmly on the bill for the repeal of the Usury Laws in the last Parliament, and did any one rise and lash either of them as he had been lashed? What rule ought to be laid down for the guidance of members of the House in such cases? He had had nothing to do with the ministerial negotiations. He had not come down under their wing; and he could therefore tell the Inspector General that if he was to be lectured constantly, as he had been the other night, the hon. gentleman would find that he had made a mistake. The hon. gentleman appeared to treat him like an Ishmaelite, and he supposed that he must consent to be considered as such in the House, but he had the satisfaction of knowing that he was not an Ishmaelite out of doors. If the members of the party were called together, as the Whigs were called together by Lord J. Russell, and if they were told what measures the government intended to propose; if that were done; if he had the least idea of what course the government proposed to pursue, he would have been satisfied; and would not care if he did not open his lips through the entire session. But, in the absence of any such information, when he rose to exercise the privileges of a member of the House, he was told that he must be mute, and because he claimed his right to be heard in that House, he must be read out of the party, and must be branded throughout Upper Canada as working to break up the party, and bring in the hon. gentlemen opposite! Why, if the hon. Commissioner of Crown Lands had only looked closely to those gentlemen, he would have seen that there is no bond of interest among them, and that they are even in a worse position than the Reformers. There was the member for South York bringing in resolutions which were utterly at variance with the principles entertained by gentlemen on his side of the House, and there was the hon. member for Toronto (Mr. Boulton) bringing in measures which would have the effect of introducing among us the laws and institutions of Massachusetts and New York at one swoop. They were, in reality, a strange community of Conservatives, and were as curiously bound together by high and honorable principles as any set of gentlemen he ever saw.⁴⁴

MR. BOULTON would support the bill, but in committee he should stipulate for preserving the rights of the incumbents. He censured the hon. member for Haldimand for his obedience to the lash he had received from the Government the other evening. It was degrading for a member of a deliberative Assembly to be so lashed into submission; and he applied the same terms to other Clear Grit members of the House. These hon. gentlemen deceived their constituents.⁴⁵

Hear, hear, from MR. BROWN.⁴⁶

MR. BOULTON [continued:] They knew that they were elected upon the understanding that they would carry out elective reforms and if they could not support them they ought to resign. It was degrading to be lashed into subordination and eat their own words in consequence of a threat of the Government, while it was their duty to coerce them to carry out their principles.⁴⁷

MR. INSP. GEN. HINCKS said that he felt convinced that the gentlemen of the party to which he belonged, and who supported the Government must be exceedingly obliged to the member for Toronto for his disinterested advice. That gentleman

was very indignant at the idea that the supporters of the Government should be lashed into subordination. Now, as far as he was concerned, he did not, at least he did not intend to, make any attack on the member for Haldimand, as the course of that gentleman, from the opening of the session, had been one of direct opposition to the Government throughout. It is very obvious that no Government under our present constitution can stand, unless it acts in concert with its hearty supporters, and he, for one, would not pretend to hold his seat for a month without the support of a party. The member for Haldimand had said that the Ministry was unprepared to submit any important measures to the House; but it would be for the House and the country to determine whether the hon. gentleman was right, and whether the measures which the Government had submitted were or were not of any importance. Possibly, they are not, but most unquestionably the country will not estimate this bill of the member for Haldimand very highly, even if it should decide that the ministerial measures are of no importance. The hon. gentleman might publish, if he chose, the votes against the bills he introduced, in hand-bill style, with large capitals, hands and notes of admiration, but he (Mr. Hincks) was utterly indifferent to it. It must be perfectly obvious to the House and the country that it is impossible for any administration to deal in any one session with all the questions which agitate different localities in the Province.⁴⁸

MR. MACKENZIE.--That is true.⁴⁹

MR. INSP. GEN. HINCKS.--The wonder ought to be that the administration have succeeded in bringing forward so many important measures. Looking at the relative importance of the measures dealt with by this Parliament and the Parliament of Great Britain, he would say that there are not as many important measures, introduced by the English Cabinet in twenty years, as have been laid before the Provincial Parliament by the Government during the present session; and looking to the United States he would say that you never see so many important measures considered by any of the legislatures during one session. When he thought of the system that we have, a cabinet composed of persons representing interests scattered in their nature, according to the different localities of this immense country, he conceived that instead of being subject to reproach, they were entitled to credit from the country for having agreed on so many questions. He had had occasion to argue this very question of elective Sheriffs with his constituents; and he had the satisfaction to believe that he convinced them that he was right in opposing that principle. It is undeniable that in some parts of the country, the people are in favour of the election of Sheriffs; but then it is necessary that public opinion should be generally prepared for the change before it is undertaken by the Government. Very possibly in Haldimand and in the County of Oxford there would be a majority of the people in favour of the elective principle, if the poll was regularly taken; but then he was not prepared to say that a majority of the whole population of Upper Canada is in favour of it.⁵⁰

MR. MACKENZIE had intimated that if the Government would bring forward a measure to put the appointment of Sheriffs on the same footing as they are on in England, he would not say a word. If the Government would not promise to do so then he must proceed with his bill.⁵¹

MR. INSP. GEN. HINCKS said that the answer was simply that the Government had quite sufficient to deal with, quite sufficient to occupy their attention, without taking up at the present moment the question of rendering Sheriffs elective. They have undertaken already to act on a great many measures of importance, and the country ought to be satisfied.⁵²

MR. MACKENZIE begged leave to make one remark. If the Government have not had time to deal with this question during the present session, there are three other sessions of the present Parliament, and it may be in their power to deal with it before their close. If the Inspector Gen. would say that the Government would attend to the subject, he would withdraw the bill. (Hear, hear, and laughter.) He would then have carried out his promise made at the hustings; and would have been successful in bringing the matter directly under the notice of the Government; but he could not withdraw the bill without the Government ... [giving] such a promise.⁵³

MR. INSP. GEN. HINCKS said that it must be perfectly clear that if the Government gave such a promise they would be pledged to act on the principle of making Sheriffs elective.⁵⁴

MR. MACKENZIE only wished the Government to give the subject their consideration.--(Laughter.) He wished them to consider whether some change should not be made in the present mode of appointing Sheriffs.⁵⁵

MR. INSP. GEN. HINCKS said it would be a very easy matter to give a pledge that the Government would take the matter into consideration. Such a pledge would mean nothing. Under all the circumstances, he felt bound to move that the bill be read a second time this day six months.⁵⁶

MR. BROWN desired to say one word in reply to the Inspector General. That hon. gentleman finds great fault with the member for Haldimand, for bringing forward this measure. He says the hon. member can have no other object in bringing it forward but to embarrass the Government; he can conceive of no other possible motive; he says that as a member of the Reform party, the hon. gentleman would be satisfied with the measures of the Government and remain passive; he says that for members of the party to press such questions as this is unusual, and highly improper--and he administered a severe chastisement for his venturing to do so. Now, Mr. Speaker, with all deference to the hon. Inspector General, I am humbly of opinion that the hon. member for Haldimand's course is a correct party course, and the only one which that gentleman could pursue. It is perfectly clear that there will always be men in this House whose sentiments are in advance of those of the Government of the day--and whose only mode of effecting their object is by pressing their views, week after week, and session after session, on the Legislature--gathering new strength at every effort--until at last they force the Government into action or upset it. The hon. member for Haldimand has strong views on the question before the House--he has agitated it long--he is pledged to it before his constituents--and as an honest man he was bound to bring it forward. It therefore appeared quite out of place for the administration to turn upon him and lecture him in such a fashion. Do these gentlemen think that the Reform members of this house were merely out here to vote at their bidding--to have no opinion of their own, but follow blindly in their wake? Do they think hon. gentlemen can free themselves from the responsibilities incurred at the hustings, merely to please them? Are the gentlemen on the Treasury Benches to transfer that responsibility, too, to their own shoulders? Sir, I differ from the member for Haldimand on the question before the house, but I cannot see that he could have done otherwise than he has. Is not the same course pursued in the House of Commons every day? Have not Mr. Hume, and Mr. Cobden, and Mr. Wakley, and Mr. Villiers, year after year, urged their favourite views on the House against the wishes of a Reform ministry with which they were acting? But who ever heard of Lord Russell precluding his supporters from bringing in measures on their own individual responsibility, and lecturing them for daring to do so? But the fact is, this onslaught on the hon. member for Haldimand is not called forth by the

new mode of presenting this question--it is the question itself that caused all this hot feeling, (hear, hear,)--for there is not a Ministerialist from Upper Canada who is not pledged either to the election of County officers, or the transference of the appointment to the County Councils.⁵⁷

MR. INSP. GEN. HINCKS denied that any member of the Government was pledged to support the measure.⁵⁸

MR. BROWN.--Do I understand the hon. gentleman aright? No member of the Government pledged to this measure! Are not the votes of the member for Huron twice recorded on our journals in its favour? And is not the member for Norfolk equally pledged--if not in words, at least by implication? This was one of the "planks" of his party's platform. It was the belief that that hon. gentleman holds this and similar views that brought him back to public life,--sent him to this House, and forced him into the Cabinet. If he does not hold such views, he is believed to hold them. This is not a trifling matter: it is the grave constitutional question, whether the officers connected with the administration of justice shall, or shall not be appointed by popular election. I am opposed to it, and am glad the Government are so also; but it is a duty I owe to those who think with me in the country to show that the professions of agitators in past years--that the denunciations of better men than themselves, on these questions, were mere party tricks; and that when they themselves have the power, they shrink from fulfilling their promises. Mr. Speaker, the hon. Inspector General has told us that more measures of importance have been introduced by the Government this Session, than were ever introduced in the British Parliament during twenty years. This may be true; but assuredly we are in no position to test it: we have had plenty of promises, but nothing more than promises. The Session has lasted now nearly six weeks, but what are its fruits? A year has elapsed since the formation of the Government--a whole year of preparation, and yet not one measure seems to have been ready for our meeting. (Hear, hear.) The six weeks that are gone have produced two sets of resolutions, that would occupy half-an-hour to draw; a bill to say that a man may not give evidence in his own suit; and a Consolidated Loan Bill, just brought down. These are the fruits of half the Session! Where are those great measures of which we hear? Where is the Seigneurial Tenure Bill? Where the Representation Bill?--Where the Jury Bill; where the Municipal Bill? Where the Benevolent Institutions' Bill? --Where the Suffrage Bill? Where are all the fifteen or sixteen important measures promised to be laid before us? Does our system of Government permit that the Ministry shall pass the recess without preparation, meet Parliament without any measure matured, and then and there only set to work to frame bills? Can it be right that the great public measures should be then held back to the end of this session--and hurried through in haste, without time to gather the opinion out of the House, or to arrive at a matured judgment within it? Parliament will not probably sit above six weeks longer--and yet all these important Bills have to be drawn up, printed, distributed, discussed and made the law of the land! This may be Responsible Government according to the views of the gentlemen on the Treasury Benches, and the Hon. Inspector may think it [a] fit subject of boasting--but for my part I think it a perfect Burlesque upon legislation. (Hear, hear.) Legislation, sir, should proceed from the wishes of the people pressing upon us--it should not be the work of half a dozen persons forced on the people by the mere votes of a subservient majority. But this is the system of the present Government. The Hon. Inspector-General expressed his astonishment that the members of the Cabinet have agreed together upon so many subjects. That is just the objection to the present Ministry. They have come together without one common aim--and the question is not with them, "what does the country want," but "what can we agree upon?" (Hear, hear.) And it now appears that

they themselves are as much astonished as the rest of the world, that they can agree upon something--nay the Premier absolutely calls upon the House to give them high credit for so agreeing! (Laughter.) Sir, I admit the wonder, but I deny the credit. They have come together with principles the most discordant and they seek to make a patch-work such as will pass muster through this house--not such as their professed principles demand from them. Such a course is utterly destructive of our form of Government. If there is one feature of our system more necessary than another, to its safe working, it is that the public men of the country shall be carried into power by the profession of certain principles, for the purpose of carrying out those principles, and the moment they fail to do so, shall resign. I warn these gentlemen that their present course of conduct tends to the destruction of Responsible Government--will ere long render it contemptible in the eyes of the people. Are they carrying out their pledges to the country? Are their resolutions on the Reserve question and their Law Suit as to the Rectories what the Reformers of Upper Canada was [sic] led to expect?⁵⁹

MR. AT. GEN. RICHARDS--Hear!⁶⁰

MR. BROWN:--The Hon. Attorney General says "hear," does he mean to say that they are? If he does, let him read the resolutions passed a week ago in his own Town of Brockville (hear, hear.) With regard to the Bill before the House, he could not support it. The preamble spoke of evils from the system of appointing sheriffs in the past--but it was for the present we had to legislate. The sheriff was to be elected for three years--and during those three years there was no way of getting him out whatever he did. There was one grand error about the mode of legislating of the member for Haldimand; and he would like to impress the fact on him, if possible. He takes hold of the idea of electing Sheriffs--he assumes beyond the shadow of a doubt--and he holds up all who oppose his assumption as the opponents of the elective principle generally--as the enemies of the people. Now he (Mr. Brown) contended that the hon. gentleman is in error, and that his change of system could not tend to the advantage of the people, but be highly injurious. There was one thing the gentleman should bear in mind, that, under the present system of government, the Administration should be held responsible for the proper administration of justice throughout the country, and for the preservation of the peace of society. But if you take away from the Government the control over the officials, how is it possible that we can hold them responsible? Take as an instance the threatened disturbances on the Indian lands in Tuscarora; how can the Government be held responsible, if the Sheriff, under the elective system failed to discharge his duty faithfully? Is it probable that, when the public mind was violently agitated, the Sheriff would discharge his duty heartily in opposition to the opinion and wishes of those who elected him? It cannot be forgotten, besides, that the Sheriffs of Canada are subject to serious losses. They may make a good thing of their office one year, and the next year they may lose three times as much. An example in point has occurred within a very short time, Sheriff Kingsmill having been subjected to heavy damages in a Buffalo court of law for carrying out in Canada a Queen's Bench writ. The responsibility attached to the shrievalty was very great, and an incumbent requires a considerable space of time to become thoroughly acquainted with the duties. Under this bill, he is not to be re-elected at the end of his term, and yet it would take a large portion of that time to learn the duties and all the risks pertaining to it. What man of property would risk his all, by accepting the office for such a space, with all its responsibility, and for a very limited salary? Doubtless men would be found to take the office; but they would not be men with property

to lose. And look at the question in another point of view. The hon. gentleman had talked on a previous occasion about Sheriffs taking a part in elections; but was anything of the kind heard of now? If the hon. gentleman heard of such a case, would he not come down upon the offender in this House, and insist on his being turned out? But under the hon. gentleman's bill, the Sheriffs would have a direct interest in the elections, and no power would the Government have to turn them out of office, if they overstepped the strict bounds of duty? There could be no question in his mind as to the two systems. Undoubtedly there are evils under the present mode, but there was a ready way of obtaining redress. Under the system of the member for Haldimand there would be still greater evils, without any power of obtaining redress. He should therefore vote against it.⁶¹

MR. MACKENZIE thought he would withdraw the bill. (hear, hear, and laughter.) On the one side he was told that this is not the proper time for bringing it forward; and on the other side he was told that the bill was not a good one. The Government had power to do great good, and had attempted to do something. They had brought in a proposition relative to the Clergy Reserves. He had great doubts about it--very great doubts--but still he was willing to accept it. Then they had brought in a proposition to make the Legislative Council elective; and were about to bring in a bill to increase the representation of the people in Parliament. He was not aware that they intended to do so when he first brought in this bill; and if the Government only succeeded in passing these measures, he would be willing to go back to his constituents, satisfied that they had done a good year's work, if they did nothing else. (Hear, hear.) Then there was the bill of the Attorney General West for Law reform; he hoped it would be a good bill, which would put it in the power of every man to get cheap and substantial justice. As the Government was willing to do so much for the good of the country, he would withdraw his bill, (renewed laughter); but if their measures were not as satisfactory as they promised, he would come down on them next year with his bill. He really did not wish to see the gentlemen now in office turned out. He did not know where it would be possible to get any who would do better, at least he did not know where any could be found who promised better.⁶²

MR. BOULTON.--You cannot withdraw your bill.⁶³

MR. MACKENZIE hoped he would be allowed to withdraw it.⁶⁴

MR. BOULTON objected to the withdrawal.--The member for Haldimand should not withdraw it.⁶⁵

MR. HARTMAN hoped that there would be no objection to the withdrawal of the amendment, and also of the bill. There was a similar measure under the consideration of the House about a fortnight since; and he had stated his opinion then with regard to the appointment of Sheriffs, and he had not changed his mind since; but he could not vote for this bill, for it did not embrace the principle he had then advocated. (Laughter.) He was glad that the member for Haldimand was ready to withdraw the bill, for he did not believe that it was such a one as the people of Upper Canada desired--they were anxious to see the power given to the County Councils to elect Sheriffs, but they did not desire that power to be placed in their own hands.⁶⁶

The motion in amendment was then withdrawn by MR. INSP. GEN. HINCKS.⁶⁷

MR. MACKENZIE solicited permission to withdraw the bill⁶⁸.

It was refused by MR. BOULTON.⁶⁹

The question was then taken on a second reading⁷⁰.

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Mr. Mackenzie moved, seconded by Mr. White, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Boulton, Fergusson, Langton, Mackenzie, and White.--(5.)

NAYS.

Messieurs Brown, Burnham, Cauchon, Chapais, Solicitor General Chauveau, Clapham, Attorney General Drummond, Fortier, Fournier, Gouin, Hartman, Hincks, Johnson, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, Lyon, McDonald of CORNWALL, Malloch, Marchildon, Mattice, Mongenais, Morin, Murney, Papineau,⁷¹ Poulin, Robinson, Rolph, Seymour, Short, Smith of DURHAM, Stevenson, Stuart, Taché, Tessier, Valois, Varin, Viger, Willson, and Wright of West Riding of YORK.
--(42.)

So it passed in the Negative.

MR. INSP. GEN. HINCKS then renewed his motion to read the bill a second time this day six months, but as there was no question pending, the motion was declared to be out of order.⁷²

MR. MACKENZIE consequently gave notice that when the bill came up again for a second reading in its regular course he would drop it.⁷³

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The Order of the day for the second reading of the Bill to prevent the deterioration of lands and hereditaments charged with hypothecs, being read;
Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to secure Mechanics and others, a Lien on Buildings erected by them in certain Cities of Upper Canada, of wages in goods or by way of truck, being read;
Ordered, That the Bill be read a second time on Thursday next.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time on Wednesday next, and be then the second Order of the day.

The Order of the day for the second reading of the Bill to increase the Jurisdiction of the Division Courts of Upper Canada, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to increase the Jurisdiction of the County Courts in Upper Canada, to amend the Acts regulating

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their practice, expediting and simplifying the proceedings of the said Courts, and for the settlement of disputes without litigation, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to amend the Act providing for the summary trial of Small Causes in Lower Canada, being read;

Mr. Laurin moved, seconded by Mr. Lemieux, and the Question being put, That the Bill be now read a second time.⁷⁴

MR. LAURIN moved the second reading of the bill to amend the Act for [the] Summary Trial of small causes in Lower Canada, and explained (as we understood) that the object of the bill was to do away with commissioners courts.⁷⁵ Si ce

bill devient loi, il suffira qu'une majorité des habitants d'une paroisse demande l'abolition de la cour des commissaires pour qu'elle soit abolie; et aussi pour que des commissaires soient nommés dans une campagne, il faudra que la demande en soit faite à l'exécutif par au moins une majorité des habitants de la localité.⁷⁶

Ce projet de loi n'a éprouvé d'opposition que de la part de M. FOURNIER, membre pour l'Islet, qui alléguait pour principale raison que la majorité des habitants des paroisses étant, dans presque tous les cas, endettés envers les marchands ou autres, et ayant intérêt à ne pas payer, ou du moins à obtenir le plus long délai possible, on trouverait toujours un nombre suffisant de signataires qui voudraient se débarrasser de cette cour. Il est vrai que les créanciers auraient droit de porter leurs actions devant la cour de circuit, mais les frais sont souvent alors plus élevés que le montant de l'action et les causes traînent de mois en mois au détriment des créanciers.⁷⁷

MR. AT. GEN. DRUMMOND se déclara en faveur du bill: il était d'opinion que cette cour n'était bonne qu'à introduire l'esprit de chicane chez la population rurale, et il pensait aussi que ce système qui consiste à soumettre la décision d'une cause au jugement de personnes qui n'ont aucune connaissance de la loi était un mauvais système.⁷⁸ [He] stated that the Government would not oppose the bill.⁷⁹

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the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Cauchon, Chapais, Solicitor General Chauveau, Clapham, Attorney General Drummond, Fortier, Hartman, Hincks, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Marchildon, Mattice, Attorney General Richards, Short, Smith of DURHAM, Stuart, Tessier, Varin, Viger, and White.--(26.)

NAYS.

Messieurs Burnham, Dixon, Fergusson, Fournier, Gouin, Johnson, LeBoutillier, Malloch, Mongenais, Papineau, Poulin, and Robinson.--(12.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time.

Mr. Laurin moved, seconded by Mr. Lemieux, and the Question being put, That the Bill be read the third time To-morrow; the House divided: and the names being called for, they were taken down as in the last preceding division.

So it was resolved in the Affirmative.

The Order of the day for the second reading of the Bill for taking and recording the Votes of Members of the Legislature on the final passage of Bills, being read;80

MR. MACKENZIE moved the second reading of the bill to record the votes of members of parliament on the final reading of bills. He made some remarks in support of his motion contending that the bill was necessary as a protection for the country against midnight legislation, with scarcely a quorum in the House.⁸¹

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Mr. Mackenzie moved, seconded by Mr. Brown, and the Question being proposed, That the Bill be now read a second time;

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Attorney General Drummond, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. INSP. GEN. HINCKS opposed it and contended that the rules of the House were sufficient protection as any two members might call for the yeas and nays. He moved an amendment that the bill be read a second time this day six months.⁸²

Other members spoke on the principle of the bill⁸³.

Upon a reference to its application to the Legislative Council, MR. BOULTON stated that there had been no quorum of that body for some days past; and that it was a farce to talk of having the legislature divided into two branches, when one of them was so nearly dead, as not to be able to form a quorum of twelve.⁸⁴

MR. INSP. GEN. HINCKS said it must be borne in mind that members of the Council received no payment for their services; and that when they came to this city, they did so from purely patriotic motives. He censured the attacks which he stated it was the custom of members of that House to make upon the Legislative Council. Some of these were of the most insulting nature, and he did not wonder that the gentlemen should refuse to come and have insults heaped upon them.⁸⁵

After some farther conversation the amendment was carried⁸⁶.

(212)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Cauchon, Chapais, Clapham, Crawford, Dixon, Attorney General Drummond, Fortier, Fournier, Gouin, Hartman, Hincks, Langton, LaTerrière, LeBoutillier, Lemieux, McDonald of CORNWALL, Marchildon, Mattice, Mongenais, Morin, Murney, Papineau, Robinson, Seymour, Short, Smith of DURHAM, Stevenson, Taché, Valois, Varin, Viger, White, Willson, and Wright of West Riding of YORK.--(35.)

NAYS.

Messieurs Boulton, Brown, Lyon, Mackenzie, Malloch, Poulin, Stuart, and Tessier.--(8.)

(213)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill to incorporate a Company to construct a Ship Canal at Sault Ste. Marie, being read;

The Honorable Mr. Robinson moved, seconded by Mr. Boulton, and the Question being proposed, That the Bill be now read a second time;⁸⁷

MR. ROBINSON moved the second reading of the bill to incorporate the Ste. Marie Canal Company. If the Government did not make the canal the country would do so. He knew a company ready and anxious to make it.⁸⁸

MR. INSP. GEN. HINCKS said the government might make the canal but he did not promise. The work ought to be made by the government but he did not promise that the government would do so this year. He thought it better to wait to see what action would be taken by the Americans.⁸⁹

MR. BROWN wished to refer the matter to a Committee of the whole in the hope of inducing the government by gentle pressure to take up the work, which he believed was of great importance.⁹⁰

MR. CAUCHON thought that the canal should not be made by a company. The Government should know what it could do, and it should make these works.⁹¹

MR. BOULTON could not understand why the government should not take up all these works. They were going to give the grand Trunk Railway to a company. He would rather the government should make it; but if the government will not the company should be permitted to do so.⁹²

(213)

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Morin, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. INSP. GEN. HINCKS moved that the bill be read a second time this day six months. The question as to the present session would then be decided. There were various matters connected with this canal which the govt. had to decide. The size was of importance. He did not see any necessity of building the canal just now. It would be building it for a prospective trade, not a present one. Mr. Keefer's report showed that these tolls could not be expected to pay for years. Besides, if the tolls paid 10 or 12 per cent on our canals, the Americans would make a canal on their side. He defied any member to show that a canal there would be of any use to us for years to come.⁹³

MR. CRAWFORD was opposed to the work getting into the hands of a private company. Mr. Keefer's report made that it would cost £150,000, and thought it of such magnitude that it ought to be made by the government. He was informed that the canal would have to be made in waters navigable by vessels of the United States as well as ours; and he thought this matter required investigation. He was opposed [*sic*], under any circumstances, to give it to a private company.⁹⁴

MR. MACKENZIE was also opposed to giving the canal to a private company. He was willing to wait till the government could make it. He imputed no improper motive to the member for Simcoe.⁹⁵

MR. BOULTON said that no one who heard the Inspector General but must have been satisfied, that the government did not intend to make the canal. He would let the government have power, and insert it in the Bill, to take possession of the canal, upon paying 5 or 10 per cent upon the actual cost.⁹⁶

MR. BROWN contended that the Inspector General, and Mr. Crawford had taken a petty view of the question. Look at the Welland Canal, though it paid but 2 per cent, who regretted our having made it?--The question should be looked upon in a national point of view.--The immense trade of the country west of lake Superior should be accessible by this canal. The advantage of reaching the mineral sources was great, [and] because the Americans were going to make a Canal, we should try to make one before them.⁹⁷

MR. ROBINSON said if the amendment was carried he should bring the matter up again this session in another shape.⁹⁸

MR. DIXON could not understand the Inspector General's reason for giving the six month's postponement to the bill.⁹⁹

MR. J. SMITH (Durham) was in favour of the view taken by the Inspector General.¹⁰⁰

After some further remarks from other hon. members the amendment was carried.¹⁰¹

(213)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cauchon, Chapais, Solicitor General Chauveau, Clapham, Crawford, Attorney General Drummond, Fortier, Fournier, Hartman, Hincks, Johnson, Langton, LeBoutillier, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, Mongenais, Morin, Attorney General Richards, Short, Smith of DURHAM, Stuart, Taché, Varin, Viger, White, and Wright of West Riding of YORK.--(28.)

NAYS.

Messieurs Boulton, Brown, Burnham, Dixon, Lyon, Malloch, Murney, Robinson, Seymour, Stevenson, Tessier, Valois, and Willson.--(13.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

The Order of the day for the second reading of the Bill further to secure the independence of the Legislative Assembly, by prohibiting the Clergy of all Denominations from voting or interfering at Elections, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Brown, seconded by Mr. McDonald of Cornwall,

The House adjourned.

[NOTICE OF MOTION RE: VOTE BY BALLOT.]¹⁰²

MR. PAPINEAU [gave notice that] on Wednesday next [he would move for leave to bring in a] Bill for the better securing [of] the freedom of Elections of Representatives to the Legislative Assembly, by the use of Vote by Ballot at such Elections in Lower Canada.¹⁰³

[NOTICE OF MOTION RE: REDEMPTION OF SEIGNEURIAL RIGHTS.]¹⁰⁴

MR. AT. GEN. DRUMMOND [gave notice that] on Wednesday next [he would move for leave to bring in a] Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof.¹⁰⁵

[NOTICE OF MOTION RE: COMMISSION TO ENQUIRE INTO THE MANAGEMENT &C., OF THE PROVINCIAL LUNATIC ASYLUM.]

MR. BOULTON [gave notice that] on Wednesday next [he would move the following resolution:] That it is expedient that a commission of at least three persons be appointed by the Government, to examine and report upon the management and medical superintendence of the Provincial Lunatic Asylum in Toronto, and if deemed necessary that a change in the government and management of the Institution should take place, that they report what in their opinion will be the best mode of securing the efficient working of that Institution and its confidence with the public.¹⁰⁶

[NOTICE OF MOTION RE: STANDING COMMITTEE ON PRIVATE AND LOCAL BILLS.]

DR. LATERRIERE [gave notice that] on Wednesday next [he would move] that the Hon. Mr. Badgley, be added to the Committee of Private and Local Bills in the place of the Hon. Mr. Chabot.¹⁰⁷

[NOTICE OF MOTION RE: LANDS ILLEGALLY SET APART AS CLERGY RESERVES.]¹⁰⁸

MR. BROWN [gave notice that] on Monday, 11th proximo [he would move] a series of Resolutions in reference to certain lands illegally set apart as Clergy Reserves under color of the Act 31st George III., cap. 31.¹⁰⁹

[NOTICE OF MOTION RE: RESOLUTIONS ON CLERGY RESERVES.]

MR. BROWN [gave notice that] on Monday, 11th proximo [he would move] a series of Resolutions, having in view the prevention of any additional incumbents being placed on the Clergy Reserve Fund, until the question of the final appropriation on the Reserves shall have been disposed of.¹¹⁰

[NOTICE OF MOTION RE: BILL FOR RELIEF OF N.C. MCINTYRE.]

MR. BOULTON [gave notice that] on Wednesday next [he would move] that the 70th and 74th Rules of this House be dispensed with, so far as relates to the bill introduced into this House for the relief of Neil Cameron McIntyre.¹¹¹

[NOTICE OF MOTION RE: PRINTING OF JOURNALS.]

MR. R. CHRISTIE [gave notice that] on Wednesday next [he would move for a] Committee of the whole to consider the expediency of rescinding the Order of this House of the 2nd instant, for adopting the first report of the Standing Committee on Printing,--and of adopting a resolution declaring that the Journals of the House shall be printed with marginal notes, on paper of the same size and form as heretofore.¹¹²

[NOTICE OF MOTION RE: LAW OF EVIDENCE.]

MR. STUART [gave notice that] on Wednesday next [he would move for leave to introduce a] Bill to facilitate the admission of foreign judgments and certain official and other documents, and otherwise to improve the Law of Evidence in Lower Canada.¹¹³

[NOTICE OF ADDRESS RE: RETURN OF ALL LANDS ALIENATED FROM THE CROWN.]

MR. BROWN [gave notice that] on Thursday next [he would move for an] Address to His Excellency, praying him to cause to be laid before this House, a Return of all the Lands alienated from the Crown, without Consideration, since 1st of January 1851; and Return to describe the quantity and locality of such grants--the parties to whom granted, and the object for which it was granted.¹¹⁴

[NOTICE OF ADDRESS RE: IMPROVEMENTS TO NAVIGATION OF THE GULF AND RIVER ST. LAWRENCE.]

MR. STUART [gave notice that] on Wednesday next [he would move for an] Address to His Excellency the Governor General, praying that His Excellency will cause to be laid before the House, a detailed statement of the several sums applied to the erection of Light Houses, and the establishment and support of Relief Stations and other improvements in the Navigation of the Gulf and River St. Lawrence, from Quebec to the Ocean, under the superintendence of the Trinity House of Quebec and under the authority, orders and direction of the Governor and Council of this Province, out of the sum of £19,000 appropriated under the provisions of the 9th Victoria, chapter 60, and shewing the balance, if any remaining, to be applied for such purposes.¹¹⁵

[NOTICE OF QUESTION RE: CORRESPONDENCE BETWEEN GOVERNMENT AND MR. WILLIAM JACKSON ON THE SUBJECT OF THE GRAND TRUNK RAILWAY.]

MR. BROWN [gave notice that] on Wednesday next [he would enquire] of the members of the Administration, why a return has not been made to an Address of this House ordered on the 30th ultimo for copies of correspondence between Wm. Jackson, Esq., M.P., and any member of the Provincial Government, on the subject of the Trunk Railway Line,--also for a copy of the agreement between Mr. Jackson and the Quebec and Richmond Railway Company for the completion of that Road.¹¹⁶

[QUESTION AND ANSWER RE: SEIGNIORIAL TENURE.]¹¹⁷

MR. LAURIN enquired of the Ministry, whether it is the intention of the Government to bring into this House, at an early period, a Bill to settle finally the question of the Seigniorial Tenure, and if not when?¹¹⁸

MR. SOL. GEN. CHAUVEAU¹¹⁹ [OR] MR. COM. PUB. WORKS CHABOT¹²⁰ said the government were about to introduce a Bill on the subject.¹²¹

[POSTPONED MOTION RE: GRANT TO HUDSON'S BAY COMPANY.]

MR. BROWN [postponed his] motion for an Address to Her Majesty, praying the recall of the grant to the Hudson's Bay Company.¹²²

[POSTPONED MOTION RE: INCORPORATION OF ECCLESIASTICAL BODIES.]

MR. BROWN [postponed his motion for] the Bill of which he had given notice, for the incorporation of all Ecclesiastical bodies.¹²³

[POSTPONED MOTION RE: ABOLITION OF STATUTORY HOLIDAYS.]

MR. BROWN [postponed his motion for the Bill] to abolish statutory holidays.¹²⁴

[POSTPONED MOTION RE: PROTECTIVE DUTIES.]

MR. GAMBLE stated that he should defer his motion for the Committee of the Whole, to consider the expediency of revising the duties imposed upon the importation of goods, in order that the revenue derivable therefrom, might be raised, so as to encourage the branches of Canadian industry, for which this Province possesses natural advantages. He was induced, he said, to pursue this course, that the Government might bring in the measure of commercial policy, of which an intimation had been given on a former day, when the late Commissioner of Public Works informed the House of his resignation. He was not present when the explanation took place on that occasion; but had understood that the Government was disposed to adopt a measure similar to that which he proposed, and should therefore defer making his motion, till the Government came down with their plan.¹²⁵

MR. INSP. GEN. HINCKS said he did not suppose that the measure the Government proposed to adopt would meet the views of the hon. gentleman, and was not prepared to assent to the proposition which he intended to submit. The Government however, did not desire to avoid discussion upon the subject. The measure in contemplation, he said, would not be to the extent to which the hon. gentleman was prepared to go, whose object was to bring up the whole subject of production; because if the Government of the United States should concede reciprocity, which he thought was probable, however gentlemen might differ with him in that opinion; and should a treaty be concluded to that effect, differential duties could not be imposed in this Province. He should therefore object to the resolutions, as under any circumstance, the Government must necessarily be opposed to protection.¹²⁶

MR. GAMBLE replied that the explanation of the Inspector General, placed the subject just as he understood it; but from statements which had been made by other members, he understood the Government were disposed to embrace his views; which he understood from the speech just made was not the case. He was therefore prepared to go on with the debate; but did not feel sufficiently strong, having just recovered from an indisposition; and should therefore move to postpone the subject till that day week.¹²⁷

[WITHDRAWN MOTION RE: NAVIGATION OF THE ST. LAWRENCE RIVER.]¹²⁸

MR. ROBINSON'S motion [for a] Committee of the Whole for the consideration of a Resolution relative to the navigation of the River St. Lawrence [was] ... called up.¹²⁹

MR. INSP. GEN. HINCKS said he wished to be understood by the House, the course which the Government proposed to take. They were not prepared to submit the correspondence with reference to the opening of the St. Lawrence¹³⁰, nor to go into discussion of the question at all on that occasion; and that if the hon. member persisted in pressing his motion he, Mr. Hincks, would move the previous question.¹³¹ As to the resolution relative to an address, he did not think it desirable or to the interest of the Province, that it should be introduced. There was very reasonable ground for hoping that the negotiations would have a satisfactory termination, and ¹³² that reciprocity would be obtained.¹³³ Consequently it would not be proper that the despatches on the subject should be made public.¹³⁴

MR. ROBINSON said, as the Inspector General had stated he should object to the address, he should only say, that before the session closed, if the Government did not do something, he would move for an address. He did not wish to embarrass the government, and therefore should withdraw his motion.¹³⁵

The motion [was] dropped.¹³⁶

[WITHDRAW MOTION RE: TOWNSHIP OF HAMILTON.]¹³⁷

MR. J. SMITH (Durham) moved that the House resolve itself into a Committee of the Whole, to consider the expediency of passing an Act to authorize the Municipal Council of the Township of Hamilton to impose and collect a rate upon all the lands in that Township, for the purpose of paying John K. Roche, Esq., Deputy Provincial Surveyor, a balance due for his services in surveying the said Township.¹³⁸

Considerable discussion took place upon [this] motion¹³⁹.

MR. AT. GEN. RICHARDS [suggested] the matter [be] referred to a select Committee.¹⁴⁰

MR. J. SMITH [assented and] withdrew his motion¹⁴¹.

[WITHDRAW MOTION RE: LICENSES TO CUT TIMBER.]¹⁴²

MR. BOULTON moved for the appointment of a Select Committee, with reference to the system at present adopted in granting Licenses to cut timber. He read the Return made in consequence of a motion last year, showing an extraordinary state of things. On the river Trent, nine-tenths of the timber is stated to be cut without license. It was desirable, he said, to understand and improve the present system, and to ascertain how the public lands are made use of; he believed large sums are lost every year, and that persons are making large profits where no returns are received. The return shows that the officer in the County of Northumberland, where all the lands have been cleared of timber, has a balance in his hands. He said he understood, that cutting timber on public lands without license prevails to an enormous extent; and in one instance, where 80,000 saw logs had been cut, only 18,000 had been returned as having been cut under license. In the County of Ottawa he understood great injustice had been done, which however, he believed, had been remedied, [by] parties going on the lands under an arrangement with the local agents, and defrauding the Government. He had therefore proposed resolutions on the subject, and had no doubt that the Commissioner of Crown Lands would be glad to have some plan devised that would remedy the difficulty.¹⁴³

MR. COM. CR. LANDS ROLPH said he was happy to give the hon. member for the city of Toronto (Mr. Boulton) ... the credit¹⁴⁴ for all the patriotism to which he lays claim¹⁴⁵, and really deserved for his desire to correct public abuses coming under his notice. He (Mr. Rolph) was sorry the subject he (Mr. Boulton) had brought under the notice of the House had not engaged his attention and action in the past, as it would have saved him (Dr. Rolph) much trouble and responsibility¹⁴⁶ as Commissioner of Crown Lands.¹⁴⁷ The abuses mentioned had engaged his anxious attention during the time he had been in office; and the most active measures, recognized by the Law, had been pursued for their correction, and many thousand pounds had been saved¹⁴⁸ to the Province.¹⁴⁹ This he (Dr. R.) would be happy to show him if he would visit the department. The government heretofore had and still had under its consideration measures for the removal of the evils mentioned by the hon. member; and¹⁵⁰ it was hardly fair, that when he was so occupied, the hon. member should come forward with his good offices.¹⁵¹ He (Dr. Rolph) appealed to him against persisting in a motion, which interfered with those measures; measures which the government would soon mature, and which he (Dr. R.) believed would, as far as practicable, be salutary and efficient. It was a very perplexing and important subject; and finding the action of the

government upon it, he presumed the hon. member would await the result.¹⁵² He must [therefore] ... oppose the resolution.¹⁵³

MR. MURNEY hoped the hon. member for Toronto would persist in his motion¹⁵⁴, as the public interest demanded it.¹⁵⁵ He had himself, he said, called attention to the subject early in the session; and had afterwards called on the Commissioner of Crown Lands, who had satisfied him, and asked for suggestions as to any improvements that might be effected in his part of the country, where large monopolies existed. He believed there had been proper returns made from that quarter, but there is a vast monopoly, of which people complain loudly. The large limits form an abuse which can be obviated by reducing them, and demanding a smaller sum,--sub-letting would be prevented, and other abuses would be corrected. Lands were also sold, upon which purchasers are not permitted to cut timber, which prevents settlement. He believed that complaints also exist in Ottawa, and privileges are granted of ... ten¹⁵⁶, 25, 50, and 100 miles ... to cut timber¹⁵⁷, which is an abuse that ought to be destroyed. He trusted therefore the member for Toronto would press his motion, and ascertain who the parties are, and if they are thus favoured for political or party purposes. Licenses to cut timber, he said, are so given that they may be renewed for another year, which looked like trying to reserve the continuance of the influence of an individual. His object, he concluded by stating, was not to embarrass the Government, and knew that the Commissioner of Crown Lands was desirous of rectifying the evil, but who will require time. He was anxious, however, to know what licenses had been given, and on which conditions.¹⁵⁸

MR. AT. GEN. RICHARDS was opposed to the motion.¹⁵⁹ [He] said the course which was being pursued was inconvenient at a time when the Government were about to come down with a measure, and would not attain the object which was sought. He had no objection however to an address.¹⁶⁰

MR. LANGTON said he had seconded the motion, because every one must be satisfied that a change is required. There was scarcely any question more important to the country; and whether or not it was the officers who have the management of the licences, still there was no information of what they were doing; and the suspicions that are sustained may not be well founded. He was happy to hear that the Commissioner of Crown Lands had taken up the subject, who had greater opportunities and power to remedy abuses; and he believed the member for Toronto was willing to withdraw his motion, and leave the question in the hands of the hon. gentleman. As the member for Toronto had alluded to that part of the country which he (Mr. L.) represented, he must say he thought he had fallen into an error with reference to said logs, as the discrepancy referred to might be accounted for by their being cut on private lands for the most part. He had looked over the returns of the county which he represented, and believed them to be correct; but it was a question whether more was not taken from the lumberman than he ought to pay; because it was in the power of the agent to put him to unnecessary expense, and to send a sheriff's officer on the land, and count the stumps; and it was that of which there was great complaint. He hoped the Commissioner of Crown Lands would provide some uniform system of lumbering.¹⁶¹

MR. BOULTON said he had no desire to embarrass the Government, and was not aware that the Commissioner of Crown Lands was doing anything; but there was no subject of so much importance or which more deserved investigation, than the cutting of Crown timber, and the circumstances under which people plundered the Crown lands¹⁶². He did not wish to offer a factious opposition to the government in the premises¹⁶³, and therefore begged to withdraw his motion relying upon the pledge of Government to remedy the evil.¹⁶⁴

MR. AT. GEN. DRUMMOND said no head of the department had devoted so much time to the subject under discussion, as the Commissioner of Crown Lands, during the short time he had been in office; under his direction the territory of St. Maurice had been opened up, and rules with reference to it had been adopted to prevent monopoly elsewhere, but it would be found difficult to accomplish; and the more so, as it would not do to deprive persons of land, who had made large improvements and had constructed slides and dams to the extent of five or six thousand pounds, and if these lands they held were taken from them, it would be an interference with vested rights. New territory was about being opened up, and monopoly must be guarded against. The more effectually to do this, the Government were willing to receive any suggestions.¹⁶⁵

Motion withdrawn.¹⁶⁶

[WITHDRAWN MOTION RE: INSTRUCTIONS TO SELECT COMMITTEE RELATIVE TO ALLEGED ILLEGAL SALE OF LANDS.]¹⁶⁷

MR. BOULTON, in moving instructions to the Committee appointed to enquire and report upon the best means of remedying difficulties, that have arisen, owing to the informality of the by-laws of Municipal Counties imposing rates, briefly explained the object which he had in view. Sales, he said, had taken place which were held to be illegal under the by-laws, and others were considered so, owing to trends that had taken place, between the officers selling lands and the parties who purchased them. These sales had been resisted, and he believed it would turn out that there had been collusion. He understood that in Peterborough, at a sale of lands, certain persons attended, and lots had been reduced as low as five and ten acres. The consequence was, that all the principal persons went home. After these parties left, another day was appointed for disposing of such lands as had not been sold, when parties who had made purchases in the first instance repudiated them, and bought large lots on the second day. Should the Committee, therefore, confirm the by-laws, these sales would be confirmed. Similar proceedings, he said, had taken place in the County of Ottawa. He concluded by saying, he thought an important duty devolved on the Committee, and that the House ought to institute a searching enquiry into the facts, and which should attract the attention of the Government.¹⁶⁸

MR. LANGTON did not consider the Committee alluded to, as the proper one to which the subject should be referred; and had suggested another. He admitted the subject was an important one, and which ought to be investigated in some way. If it were referred to the Committee appointed to enquire into the legality of by-laws, it would create delay, as they would have to examine evidence from a distance, and perhaps would not be able to make a satisfactory report on which the House could come to a conclusion.¹⁶⁹

MR. BROWN said he agreed with what had been just stated by Mr. Langton, and considered the Committee as having already sufficient on their hands. The subject entrusted to that Government was one of great importance, and called for the most ample deliberation. He trusted, therefore, that the member for Toronto would agree to refer it to another Committee.¹⁷⁰

MR. BOULTON was about [to do this]¹⁷¹.

MR. J.S. MACDONALD the SPEAKER decided that a notice must be given to that effect.¹⁷²

MR. AT. GEN. RICHARDS thought the more desirable course would be to place a regular notice on the Orders of the Day, that the Government might have an opportunity of considering the subject. From the notice which had appeared, they could not conceive that the alleged misconduct of Sheriffs and other officers

was to be inquired into, who were charged with collusion, for the purpose of putting money into the pockets of other people.¹⁷³

MR. J. SMITH, Durham, considered that under any circumstance, the application should have been made to the Executive Government, and that the time of the House should not be occupied with the enquiry; as the effect would be to interfere with the public business, as there were a good many complaints against the unfortunate Sheriff referred to.¹⁷⁴

MR. BOULTON said he had heard facts stated of such a character, that he would be neglecting his duty, if he had not brought the subject under the notice of the House. After what had taken years, he considered the Government ought to take up the subject, but he supposed they would not¹⁷⁵.

The motion was [then] withdrawn.¹⁷⁶

FOOTNOTES: 27 SEPTEMBER 1852.

1. The exchange on this matter was reported by GLOBE, 5 October 1852. It was also noted by NIAGARA MAIL, 13 October 1852.
2. GLOBE, 5 October 1852.
3. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 30 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852; HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 29 September 1852, GLOBE, 30 September 1852 (which misdated the debate as 26 September 1852), HAMILTON SPECTATOR WEEKLY, 30 September 1852, BRITISH COLONIST, 1 October 1852, and OTTAWA CITIZEN, 2 October 1852. The debate was also reported by GLOBE, 5 October 1852.
4. GLOBE, 5 October 1852.
5. HAMILTON SPECTATOR DAILY, 28 September 1852.
6. GLOBE, 5 October 1852.
7. IBID.
8. MORNING CHRONICLE, 28 September 1852.
9. GLOBE, 5 October 1852.
10. MORNING CHRONICLE, 28 September 1852.
11. GLOBE, 5 October 1852.
12. MORNING CHRONICLE, 28 September 1852.
13. GLOBE, 5 October 1852.
14. IBID.
15. MORNING CHRONICLE, 28 September 1852.
16. GLOBE, 5 October 1852.
17. MORNING CHRONICLE, 28 September 1852.
18. GLOBE, 5 October 1852.
19. MORNING CHRONICLE, 28 September 1852.
20. GLOBE, 5 OCTOBER 1852.
21. MORNING CHRONICLE, 28 September 1852.
22. GLOBE, 5 October 1852.
23. MORNING CHRONICLE, 28 September 1852.
24. IBID.
25. IBID.
26. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 30 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH COLONIST, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN SEMI-WEEKLY, 12 October 1852, and NORTH AMERICAN WEEKLY, 14 October 1852; HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 29 September 1852, GLOBE, 30 September 1852 (which misdated the debate as 26 September 1852), HAMILTON SPECTATOR WEEKLY, 30 September 1852, BRITISH COLONIST, 1 October 1852, and OTTAWA CITIZEN, 2 October 1852. The following papers reported the debate in partially identical accounts: GLOBE, 5 October 1852, and NIAGARA MAIL, 13 October 1852. The matter was also reported by LA MINERVE, 30 September 1852, which contained a commentary.
27. GLOBE, 5 October 1852.
28. IBID.
29. IBID.
30. GLOBE, 5 October 1852. LA MINERVE, 30 September 1852, noted that "Sir Allan McNab s'était fait amener, quoique malade et souffrant, pour appuyer la motion de M. Merritt: il le fit de cette voix mâle et solennelle qui fait toujours écouter avec intérêt...."

31. LA MINERVE, 30 September 1852.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 29 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 4 October 1852, BRITISH COLONIST, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN SEMI-WEEKLY, 12 October 1852, and NORTH AMERICAN WEEKLY, 14 October 1852. The debate was also reported by GLOBE, 5 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 29 September 1852, GLOBE, 30 September 1852 (which misdated the debate as 26 September 1852), HAMILTON SPECTATOR WEEKLY, 30 September 1852, BRITISH COLONIST, 1 October 1852, and OTTAWA CITIZEN, 2 October 1852. The debate was also noted by NIAGARA MAIL, 13 October 1852. Commentaries appeared in LA MINERVE, 30 September, 2 October 1852.
44. GLOBE, 5 October 1852.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. LA MINERVE, 2 October 1852, commented that: "Nous avons été étonnés de voir, par les votes et délibérations de la chambre, que l'ancien chef du Bas-Canada, n'a pas suivi sur ce point l'ancien chef du Haut-Canada. M. Papineau qui a l'habitude, de même que ses organes, de vouloir soumettre tous les employés

publics à l'élection, a voté contre l'élection des shérifs dans le Haut-Canada, sans doute pour éviter de se trouver encore une fois dans une insignifiante minorité, avec la partie la plus dévergondée de la représentation de la province supérieure."

72. GLOBE, 5 October 1852.
73. IBID.
74. The debate on this matter was reported by LA MINERVE, 30 September 1852, which contained a commentary. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 29 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 4 October 1852, BRITISH COLONIST, 5 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852.
75. MORNING CHRONICLE, 29 September 1852.
76. LA MINERVE, 30 September 1852.
77. IBID.
78. IBID.
79. MORNING CHRONICLE, 29 September 1852.
80. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 29 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 4 October 1852, BRITISH COLONIST, 5 October 1852, GLOBE, 5 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852; HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 29 September 1852, GLOBE, 30 September 1852 (which misdated its account as 26 September 1852), HAMILTON SPECTATOR WEEKLY, 30 September 1852, BRITISH COLONIST, 1 October 1852, and OTTAWA CITIZEN, 2 October 1852. The debate was also noted by NIAGARA MAIL, 13 October 1852.
81. MORNING CHRONICLE, 29 September 1852.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 29 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 4 October 1852, GLOBE, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, and NIAGARA MAIL, 13 October 1852. The following papers reported the debate on this matter in partially identical accounts: HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 29 September 1852, GLOBE, 30 September 1852 (which misdated the debate as 26 September 1852), HAMILTON SPECTATOR WEEKLY, 30 September 1852, BRITISH COLONIST, 1 October 1852, and OTTAWA CITIZEN, 2 October 1852. The debate was also reported by LA MINERVE, 2 October 1852.
88. MORNING CHRONICLE, 29 September 1852.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. IBID.
100. IBID.

101. IBID.
102. The following papers reported this notice of motion in identical accounts: MONTREAL GAZETTE, 2 October 1852, and LE PAYS, 1 October 1852.
103. MONTREAL GAZETTE, 2 October 1852.
104. The following papers reported this notice of motion in identical accounts: MONTREAL GAZETTE, 2 October 1852, and LE PAYS, 1 October 1852.
105. MONTREAL GAZETTE, 2 October 1852.
106. IBID.
107. IBID.
108. The following papers reported this notice of motion in identical accounts: MONTREAL GAZETTE, 2 October 1852, and LE PAYS, 1 October 1852.
109. MONTREAL GAZETTE, 2 October 1852.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. IBID.
116. IBID.
117. The following papers reported the exchange on this question and answer in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 30 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852; HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 28 September 1852, BRITISH WHIG, 28 September 1852, GLOBE, 28 September 1852, EXAMINER, 29 September 1852, HAMILTON SPECTATOR WEEKLY, 30 September 1852, and OTTAWA CITIZEN, 2 October 1852. The debate was also reported by GLOBE, 5 October 1852. The exchange was noted by LA MINERVE, 28 September 1852, which misdated it as 17 September 1852. The above accounts varied as to who made the reply to this question. In the account of GLOBE, 28 September 1852, the name of the member who replied was illegible.
118. MORNING CHRONICLE, 28 September 1852.
119. The following papers attributed the reply to this question to Mr. Chauveau: MORNING CHRONICLE, 28 September 1852, BRITISH WHIG, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 30 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, GLOBE, 5 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852.
120. The following papers attributed the reply to this question to Mr. Chabot: HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 28 September 1852, EXAMINER, 29 September 1852, HAMILTON SPECTATOR WEEKLY, 30 September 1852, OTTAWA CITIZEN, 2 October 1852, and LA MINERVE, 28 September 1852.
121. MORNING CHRONICLE, 28 September 1852.
122. GLOBE, 5 October 1852.
123. IBID.
124. IBID.
125. IBID.
126. IBID.
127. IBID.
128. The following papers reported the exchange on this withdrawn motion in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852. The following papers reported the matter in partially identical accounts: HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 28 September 1852, GLOBE, 28 September 1852, BRITISH WHIG, 28 September 1852, EXAMINER, 29 September 1852, HAMILTON SPECTATOR WEEKLY, 30 September 1852, and OTTAWA CITIZEN, 2 October 1852. The

- matter was also reported by GLOBE, 5 October 1852. Mr. Hincks' response was noted by LA MINERVE, 28 September 1852, which misdated it as 17 September 1852.
129. GLOBE, 5 October 1852.
 130. GLOBE, 5 October 1852. LA MINERVE, 28 September 1852, reported that "le gouvernement ... [n'avait] aucune correspondance à soumettre à ce sujet."
 131. MORNING CHRONICLE, 28 September 1852.
 132. GLOBE, 5 October 1852.
 133. MORNING CHRONICLE, 28 September 1852.
 134. GLOBE, 5 October 1852.
 135. GLOBE, 5 October 1852, which misplaced Mr. Robinson's answer in its account of the Fisheries Address of the same day.
 136. MORNING CHRONICLE, 28 September 1852.
 137. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, MONTREAL GAZETTE, 30 September 1852, PILOT, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH COLONIST, 5 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852. The debate was also reported by GLOBE, 5 October 1852.
 138. MORNING CHRONICLE, 28 September 1852.
 139. GLOBE, 5 October 1852.
 140. MORNING CHRONICLE, 28 September 1852.
 141. IBID.
 142. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 30 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH COLONIST, 5 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852. The matter was also reported by GLOBE, 5 October 1852. The following papers noted the matter in identical accounts: HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 28 September 1852, BRITISH WHIG, 28 September 1852, EXAMINER, 29 September 1852, HAMILTON SPECTATOR WEEKLY, 30 September 1852, and OTTAWA CITIZEN, 2 October 1852.
 143. GLOBE, 5 October 1852.
 144. MORNING CHRONICLE, 28 September 1852.
 145. GLOBE, 5 October 1852.
 146. MORNING CHRONICLE, 28 September 1852.
 147. GLOBE, 5 October 1852.
 148. MORNING CHRONICLE, 28 September 1852.
 149. GLOBE, 5 October 1852.
 150. MORNING CHRONICLE, 28 September 1852.
 151. GLOBE, 5 October 1852.
 152. MORNING CHRONICLE, 28 September 1852.
 153. GLOBE, 5 October 1852.
 154. IBID.
 155. MORNING CHRONICLE, 28 September 1852.
 156. GLOBE, 5 October 1852.
 157. MORNING CHRONICLE, 28 September 1852.
 158. GLOBE, 5 October 1852.
 159. MORNING CHRONICLE, 28 September 1852.
 160. GLOBE, 5 October 1852.
 161. IBID.
 162. IBID.
 163. MORNING CHRONICLE, 28 September 1852.
 164. GLOBE, 5 October 1852.
 165. IBID.

166. MORNING CHRONICLE, 28 September 1852.
167. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 28 September 1852, QUEBEC GAZETTE, 29 September 1852, PILOT, 30 September 1852, MONTREAL GAZETTE, 30 September 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH COLONIST, 5 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852. The matter was also reported by GLOBE, 5 October 1852.
168. GLOBE, 5 October 1852.
169. IBID.
170. IBID.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. MORNING CHRONICLE, 28 September 1852.

TUESDAY, 28 SEPTEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Mongenais,--The Petition of the Municipality of the Village of the Parish of St. Michel de Vaudreuil.

By Mr. Fortier,--The Petition of Moses Mayball, of the City of Montreal.

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By Mr. Cauchon,--The Petition of A.C. Buchanan, Esquire, and others, the Trustees of the Quebec Turnpike Roads.

By Mr. Brown,--Two Petitions of the Reverend James Rogers, Moderator, and William Gregg, Clerk, on behalf of the Kingston Presbytery of the Presbyterian Church of Canada; and the Petition of Charles Robinson, Esquire, and others, of the Township of Thorah, County of Ontario.

By Mr. Stuart,--The Petition of the British North American Electric Telegraph Association; and the Petition of Mrs. Josephine Lévêque dite Lafrance, widow of the late Joseph Viger, of the City of Quebec.

By Mr. Dixon,--The Petition of Edward Barry, M.D., and others, of the Town of London.

By the Honorable Mr. Robinson,--The Petition of J.H.S. Drinkwater and others, of the Township of Orillia, County of Simcoe.

By Mr. Stevenson,--The Petition of P. Low, Esquire, Mayor, and others, of the Town of Pictou.

By the Honorable Mr. Badgley,--The Petition of the Montreal and Kingston Railway Company; and the Petition of Messieurs Brown & Child and others, Master Shoemakers, of the City of Montreal.

By Mr. Boulton,--The Petition of the Right Reverend the Lord Bishop of Toronto, on behalf of the Clergy and Delegates of the Laity of the United Church of England and Ireland, of the Diocese of Toronto.

By the Honorable Mr. Morin,--The Petition of the Reverend James Williamson, Minister, and others, Elders and Trustees of the St. Andrew's Church in the City of Quebec.

Ordered, That the Petition of the Municipal Council of the United Counties of Stormont, Dundas and Glengary; the Petition of Abraham Bockus and others, of the Township of Osnabruck; and the Petition of R.S. Macdonald, Esquire, and others, of the Township of Lancaster, County of Glengary, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Resolved, That the Petition of John K. Roche, of the Town of Port Hope, be referred to a Select Committee, composed of Mr. Smith of Durham, Mr. White, Mr. Hartman, Mr. Burnham, and Mr. Stevenson, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That the Petition of the Municipal Council of the Town of Perth, relative to a Canal from the River St. Lawrence to Lake Champlain, be referred to the Standing Committee on Railroads, Canals and Telegraph Lines.

Mr. Gamble, from the Select Committee to which were referred certain Resolutions passed by this House on the 13th September instant, with power to report by Bill, presented to the House a Bill to amend the Upper Canada Municipalities Act of 1849, and to grant to the several Municipalities the power of assessing for public improvements and the support of indigent infirm persons, which was received and read for the first time; and ordered to be read a second time To-morrow.

On Motion of Mr. Stuart, seconded by Mr. Boulton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a detailed Statement, in continuation of the Return made to this House on the 3d February, 1845, of the income of the several Seigniories held

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or possessed by the Crown in Lower Canada, with the names of the Agents of each Seignior, and the amount of salary and expense paid to Agents for collection, and also the amount of the droit de quint received by the Government since the year 1844.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Solicitor General Chauveau have leave to bring in a Bill to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to provide for the appointment of Justices of the Peace for the more remote parts of this Province."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

On motion of the Honorable Mr. Badgley, seconded by Mr. Gamble,

Ordered, That during the remainder of the Session, all Orders of the day set down in the Order Book for Wednesdays shall be disposed of before the House will proceed upon any Motions of which Notice shall have been given.

Ordered, That Mr. Taché have leave to bring in a Bill to regulate the Pilotage for and below the Harbour of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day for the third reading of the Bill to amend the Act providing for the summary trial of Small Causes in Lower Canada, being read;

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act for better securing the independence of the Legislative Assembly of this Province, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to extend the provisions of an Act, intituled, "An Act for better securing the independence of the Legislative Assembly of this Province," being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill to improve the Law of Evidence in Lower Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to remove doubts regarding the right and liability of Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to incorporate the Quebec Temperance Hall Association, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Pickering Harbour and Road Joint Stock Company, being read;

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Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to prevent fishing with Gill Nets for Trout and other Fish in the Lakes within the County of Saguenay, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

The Order of the day for taking into consideration the Petition of Joseph Cauchon, Esquire, one of the Members of this present Parliament, for the County of Montmorency, complaining that Louis Célestin Lefrançois, Esquire, the Returning Officer at the late Election for the said County, acted with partiality, and illegally, and praying that he may be summoned to the Bar of the House to answer for his conduct in that behalf, being read;

The House proceeded accordingly to take the said Petition into consideration:-- And the same being read;

Ordered, That the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, complaining of the conduct of Louis Célestin Lefrançois, Registrar, and Returning Officer at the late Election for the said County, be heard at the Bar of this House.

Ordered, That the said allegations be heard at the Bar of this House on Wednesday the thirteenth of October next.

Ordered, That the said Louis Célestin Lefrançois do appear at the Bar of this House on Wednesday the thirteenth of October next.

Ordered, That a Copy of the said Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, and of the allegations contained therein, be transmitted to the said Louis Célestin Lefrançois, and that he be allowed to be heard by Counsel.

Ordered, That Abraham Fillion, Jean Poulin, Pierre Guillaume Poulin, Julien Lachance of St. Joachim, and Jean Huot of L'Ange Gardien, do appear at the Bar of this House on Wednesday the thirteenth of October next, to be examined as to the said allegations.

The Order of the day for the second reading of the Bill to incorporate the Sisters of Charity at Quebec, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to incorporate the Ecclesiastical Society of St. Michel, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to allow the Fabriques of the Diocese of Quebec to form a Mutual Insurance Company, being read;

Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the second reading of the Bill to provide for the more speedy Distribution of the Statutes, being read;

Ordered, That the Bill be read a second time on Tuesday the twelfth of October next.

The Order of the day for the second reading of the Bill for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same, being read;

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

The Order of the day for the second reading of the Bill for avoiding doubts as to the true meaning of a certain enactment in the Act regulating Elections of Members of the Legislative Assembly, being read;

The Bill was accordingly read a second time; and ordered to be read the third time on Wednesday the sixth of October next.

The Order of the day for the second reading of the Bill to provide for the more convenient assembling of Parliament, being read;¹

Mr. BROWN rose and said: Mr. Speaker, the Reform contemplated in this bill is one of very great importance to the public interest. Hon. gentlemen are all aware that by the provisions of the Union Act, there must be a Parliament in each year; but the wording of the clauses is such that the Legislature may not be convened by the Executive for any session, until a year after, not the opening, but the prorogation of the session preceding. This power has been taken advantage of by the several ministries of the day to a most unwarrantable extent during the last few years--greatly to the inconvenience and injury of the community. During the ten years last past, Parliament has been summoned at any season of the year, just as suited the caprice or the party purposes of the gentlemen in power. In 1843, it met on 28th September; in 1844, on 28th November; in 1845, there was no session; in 1846, it met on 20th March; in 1847, on 2nd June; in 1848, on 25th February, but no business was transacted; in 1849, on 18th January; in 1850, on 14th May; in 1851, on 20th May; and in 1852, on 19th August. In the nine sessions, the Legislature met in eight different months! A degree of absurdity that could not be paralleled in the wide world. But such a system is not only absurd--it is mischievous and inconvenient in the highest degree. It is an instrument of great and dangerous power in the hands of Government. They can call the Legislature just when it suits their purpose; they can call it when the public mind is engrossed with other important duties of life--when a strict scrutiny over their proceedings will not be maintained; they can call it at a period when the session will be made short or long by the season--when, as in the present instance, the close of navigation will almost force a hurried termination to the proceedings. The uncertainty of the meeting of Parliament affects our whole proceedings. The members of Government would be more economical of their time during the recess, and come down better prepared when the house opened, were the day of meeting determined. No one can now tell anything about it until just before the Proclamation issues, and many gentlemen know of instances in which the time had been put off from month to month after being determined for party convenience. The members too, have their interests somewhat consulted; there is not in this county [sic] a class of public men unconnected with business, to whom the absence of three months from their daily avocations is not an inconvenience--and that inconvenience is greatly increased by the uncertainty of the period when they may be summoned away. Were the time fixed, gentlemen would know what was before them and make their arrangements accordingly. The people, too, Mr. Speaker, have something to say in this matter. If the time were fixed, arrangements for the coming session would be more satisfactorily made; private bills would be prepared and notices given more correctly--and the invaluable right of petition would be exercised in a more effective manner than now. Every argument is in favour of a fixed time, and almost as strong, I think, in favour of the fixed time being in the winter season. In the summer, our agriculturists are all engaged in the fields--every moment is valuable to them--and they cannot spare time for the discussion of politics. The merchant, too, does the laborious part of his business in summer;

the navigation is then open--the goods are then received from abroad, and the domestic products of the country are shipped to foreign countries. Even with the lawyer, the summer is the season of toil; for the Assizes meet then and he cannot be absent from his post. In the winter all classes in this country have their minds turned with great earnestness to questions of a public nature--then only can you bring out a strong expression of popular feeling. In summer, men are engrossed with money-making to the exclusion of all else; but in winter there is leisure to examine passing events with a critical eye--the newspapers are read by everybody and the public mind is wide awake. The winter moreover, is convenient for legislation. The fiscal year closes on the 31st December and the public accounts of the past year can be had and form the basis of legislation for the new year. The season of navigation is at hand too, and commercial changes can be made without injustice before importation commences. In the winter season, we are in a better frame for legislation to advantage. There is a lassitude pervading the debates in summer which is not healthful--and there are little trips upon Railways and steamboats--and alarms about ship-fever--and calls of business--and Agricultural Shows--which carry away many gentlemen from the house and greatly retard the public business. Why, Mr. Speaker, are so many of those benches around us unfilled? Do we not all know that the demands of business or pleasure have thinned our numbers? but would this be so in winter? Not at all. Winter is the only season in this country when we can legislate deliberately, and the people can watch our proceedings carefully. As an evidence of this, we have but to look at the United States: there the business avocations of the people are like our own--their domestic habits are similar--and their climate in the northern States the same. And what do we find their opinion to be on this subject? Why that out of thirty-one state legislatures twenty-seven meet between October and January--twenty-four of these between 1st November and 1st January. (Hear, hear.) And why should not the day be fixed? Oh, because the system is American--not English! That all, would be no argument, if it were correct--but it is not correct. If not fixed by law in England, it is simply because their [sic] is no need for it. Had the House of Commons been summoned for successive years in eight different months there would have been a bill long ago. But what is the fact? In 1843 the British Parliament met on the 2nd of February; in 1844, on the 1st February; in 1845, on the 4th February; in 1846, on 22nd January; in 1847, on 19th January; in 1848, on 3rd February; in 1849, 1st February; in 1850, on 31st January; in 1851, on 4th February; and in ... [1852], on 3rd February (hear, hear,) some ten days of difference in ten years! Hon. Gentlemen on the Treasury Benches could therefore have no help from England. But no doubt, they will tell us, that desirable as the reform may be we cannot accomplish it, for the calling of Parliament is a Royal prerogative. Sir, I don't believe in the correctness of urging such a bar to such a movement. The people are the foundation of all power--the prerogative was given to the Crown for the good of the people, and for the good of the people it must be used, (hear, hear,) and what signifies it to the Crown whether Parliament meets in January or June; not a whit, and there will be no opposition from that quarter. Besides, my bill does not trench upon the prerogative. It only makes it incumbent to have Parliament called yearly on a certain day--it does not bar the Crown's right to call it at any other day, so that objection does not fairly arise. But we will be told the Imperial Union Act has settled this matter, and we cannot touch it until that Act has been repealed. There are doubts on this point entertained, and expressed in this House heretofore by the Hon. member for Durham, the late member for Norfolk and other gentlemen whose legal opinions, are entitled to great weight; but [against] this objection, my bill also provides argument, by the clause suspending its operation until legalized at home. This brings up again the question of Bill or Resolution; but however much men may honestly differ on that point,

as between the Imperial Government, and ourselves, there can be no difference, as to the superior advantage of a bill so far as we ourselves are concerned. A bill settles the matter finally as regards Canada--a bill has been passed several times under the same circumstances by some of the gentlemen on the Treasury Benches--and what has been done once may be done again. In conclusion, I have only to say, I am not wedded to my bill--my objective is to fix the time of calling Parliament--but as to the time of year to be selected or the mode of proceeding, I am ready to yield to the feeling of the House.²

MR. PROV. SEC. MORIN spoke in French--he admitted that the government should consult the conveniences of members, and the public; but he held that the government should have the right of calling parliament when its measures were ready, and they might not, at all times be able to do this at a particular time. He ridiculed the idea that members could not work in summer as well as in winter, and instanced the work being now actually performed by members in the House and in committees. There were, he thought at present as many conveniences in summer as in winter for all persons connected with Parliament business. He made some further remarks but he was not distinctly audible in the Reporter's box.³

MR. BOULTON expressed his regret that the bill had been introduced in its present shape, and that any reference had been made to the Imperial Parliament.⁴ In England, ... the meeting of the House was fixed as certain as if the day were named in a special act. In England too, he said the habits and circumstances of the people were so different from ours, that what they could do, without inconvenience, we could not.⁵ He was in favour of fixing a certain day on which Parliament should assemble, which would be productive of much public and individual convenience. A number of persons who are agriculturists, he said, might be induced to represent constituencies; and the knowledge of the period when the legislature would assemble would enable them to procure persons to take charge of their farms, which at present they are prevented from doing, owing to the uncertainty which prevails as to the time when Parliament will meet, and the short notice that is given. There is not one class of persons, he said, which it is more desirable to have in the House than commercial men; but it was not till this year that Toronto had succeeded in being represented by a commercial man. There were other towns which would be represented in the same way, if there was any certainty as to the period when their services would be required in Parliament. The fixing the time is demanded by the country generally; not by petition, he admitted; but it had been on the platform of the Reformers for a length of time; and it is the universal opinion that the time should be fixed, and that the summer season was more convenient than any other. He was not prepared to meet at Quebec in the winter, and considered the most convenient season as that which has been chosen by the Government. Whatever time should be selected for the meeting of the Legislature, it ought to be while the navigation is open. When railroads were introduced he would not care where the seat of Government shall be, because ready and rapid means of communication would be afforded with all parts of the Province, and consequently with the constituency: the beneficial effect of which is evident from the numerous petitions that are received from Montreal. He considered it of importance that the time of meeting should be fixed, but he would leave it to the Government to say when: and then everybody could come without inconvenience. At present, as had been stated by the member for Kent, a number of members are absent, attending to agriculture, or who are at the Assizes; and so it would be until arrangements could be made previous to leaving home.⁶ He thought it very likely, that the Bill would be defeated, although the liberals of Upper Canada were all for it; but from what the hon. Provincial Secretary had said, he thought the French members would go against it, and it would be defeated.⁷

MR. INSP. GEN. HINCKS said, he was not surprised at the coalition which had taken place, on the present occasion, between the member for Toronto and the member for South York, with reference to the bill; but he was surprised at the measure coming from the hon. member for Kent.⁸ Their chief object however, he thought, was to accomplish what they wished; but in that case⁹ the first point to be considered, was the mode of accomplishing the object which gentlemen had in view; and then, at what time it is desirable and convenient that Parliament should meet, in order to suit the convenience of members.¹⁰ He was opposed in toto to the whole matter.¹¹ But assuming that the fixing of some particular time is desirable, he would ask, is the mode which has been taken to accomplish that object, the best? The member for Kent proposes to repeal one of the clauses of the Constitutional Act, but that the bill shall not go into operation till another shall have been passed, to obtain Imperial Legislation, to proceed by Address. But he denied that such a course was necessary, for the purpose of accomplishing the object of the bill. As the Provincial Secretary had stated, Government can have no object for assembling Parliament at a time that is inconvenient. In his estimation, the time which it was proposed to fix was not the most convenient; at the same time, if the House will express, by resolution or address, what would be the more convenient period, the expressed wishes of the body would be strictly attended to by the Government.¹²

MR. BROWN here explained, that if Mr. Hincks would promise this, 'twas all he wanted.¹³ [He does] not care how it is attained.¹⁴

MR. INSP. GEN. HINCKS.--The effect of the bill, he said, would be to provide that there must be a Session at a certain time, and the Governor General may call the Legislature together at any other. Now, if the ministers of the day should not deem the time convenient, or its meeting expedient, there would be one session to do the business of the country, and another to comply with the law. His own opinion, he said, was, that the introduction of railways will materially affect the question, and that¹⁵ Parliament might meet in February with advantage.¹⁶ But to bring members down, and shut them up at a season of the year when it would be almost impossible to leave Quebec, would never answer: for it would be utterly impossible to collect eighty-four members together, who would not require to go home occasionally on private business. In the present state of communication, members could not be brought here in winter; but it would be different if railways were established, and they could go in a few hours to any part of the Province. There is another consideration, he said, connected with the termination of the fiscal year, which terminates on the 31st December. It takes some time to have the accounts made up, as is the case in the United States, and it has been a necessary custom to have them printed, ready for the meeting of Parliament. If, in future, it was to meet in the autumn, there must be a change in the termination of the fiscal year, and the accounts would have to be made up in July. The best time of meeting, under existing circumstances, would be the beginning of May¹⁷ [OR] April or May¹⁸. It had not been found convenient to call Parliament together this year as early as usual, owing to the negotiations with reference to the railroad not being completed in sufficient time. If it is desirable that the Legislature should meet every year, as nearly as possible at the same time, and the House would express an opinion upon the subject, the members of the Government would offer no opposition; and it was not the case that they were using any influence to defeat the bill, or that they were to go out of office if it were carried. They were the least interested in the question; and had been materially influenced in fixing the time by the opinions expressed by members, who had written to them with reference to the period at which they wished the Legislature to assemble. With reference to the alteration which took place

in the intended time of meeting formerly, it was when the seat of Government was at Toronto, and members from Lower Canada would hear him out in the assertion, that letters were sent requesting that Parliament might not meet in winter, the difficulty in getting up the river being so great; and it was in consequence of this that the meeting of the Legislature was postponed at that time. Then, the point he took was, that till railways are introduced to the requisite extent, and as the fiscal year ends in December, it is desirable to have the meeting of the Legislature, if possible, in the spring; and this opinion of his, individually, was shared by his colleagues; but he had no desire to press his opinion upon the House. He stated, in conclusion, that if the member for Kent would withdraw his bill, and move an Address, expressing the particular time which is most desirable, he would probably effect his object.¹⁹

MR. PAPINEAU made a speech of considerable length, denouncing the Union Act, and the course hitherto pursued in calling Parliament. He would support the Bill.²⁰ [He] spoke in support of the motion. He said that comparison with England in this case was altogether unjust, as in England the constitution is unwritten and the Queen was not obliged by any law to summon Parliament every year. He contended, generally, for a fixed time for the meeting of Parliament, and remarked that winter in Canada especially was more ... [suited] to persons on all occasions than summer, for its assembling. He said the allusion in the bill to the removal of the Seat of Government was not wanted, and that the Canadian Parliament was not the only itinerant one in the world. No possible inconvenience could result from the period being fixed because in the event of war or any other unforeseen occurrence, the Legislature might be convoked a second time in the same year. The bill in relation to this subject was much preferable to an address and would prove of more real use. He was sure if it were referred to a committee it would be approved of with the exception of the clause enacting that the Parliament meet alternately at Quebec and Toronto.²¹

MR. BADGLEY said, the Inspector General had, in fact, by his admission, adopted the principle of the bill. For his part, he objected to the last clause, which provides that it shall not go into operation, till an Act of the Imperial Parliament shall have been passed; and asks that body to endorse the legislation of this Province, which he could not accorde to, and for that reason he was opposed to the bill. The Government had admitted that the time for the meeting of the Legislature should be determined; and the only difficulty is as to what shall be the time. During the last ten years there has been no uniform period determined and in effect, the Parliament has only met three times in four years. In that case, however, the Province had lost nothing, as the greatest curse of the country is excessive legislation. The introducer of the bill, he said, had fixed the month of February, for the time of the meeting of the Legislature, because during the summer months it is found impossible to excite the people of Upper Canada.²² He contended that no good reason had been shewn why Parliament should meet in winter and said the month of June, if the fixed time of [meeting] were adopted, would be most adapted to all. He made some further remarks and concluded by stating that the course proposed by the bill was illegal; and that an address would be the more proper means of procuring a repeal of the present law.²³

MR. MERRITT said, the question was one of great public interest. If the people of this Province had had the framing of their own constitution, they would undoubtedly have fixed the time for the Legislature; and it shows the absolute necessity of having something to say with reference to the constitution under which they are living, and which is not applicable to the condition of the country; and will not be, until we have an opportunity of making a new one for ourselves; which he hoped was not far distant. He considered May, June,

July and August, as the most inconvenient for agriculturalists and merchants. During the six months of winter there is little doing, and if gentlemen put the question to themselves, as to when would be the most convenient time for the people to meet; they must say winter is.²⁴ Aided by railways, the difficulties which were formerly in the way of such a time are obviated.²⁵ Until the time of the Union, he said, the Legislature met in winter, which gave general satisfaction. The reason which is given for not continuing to meet at that season of the year is, that the navigation is closed, and there are no railroads, but members could come in sleighs. He was in favour of meeting in the winter, and it would be difficult to meet with a person who was of a different opinion. Then, as to the prerogative, what consequence was it to England or the Governor General what time the Legislature meets? The prerogative is exercised in conformity with the advice of the Executive Council; and he had therefore always been in favour of having the day of meeting appointed by law²⁶ and did not wish to see the calling together of the Legislature left to the pleasure of the Executive.²⁷ It had been stated, that if the bill were to pass, Parliament must be called together in the winter season according to law, and afterwards for business. This was not at all probable. He concluded by saying that he was prepared to take any course on the present measure²⁸ whether address or not²⁹ which the majority should choose; as it was desirable that the country should be aware of the period when the Legislature would annually assemble.³⁰

MR. GAMBLE said the Inspector General was right when he stated that he (Mr. G.) would support the bill, as he had long been in favour of a time being fixed by law. As to the period for the Legislature to assemble, he would submit to the votes of the majority, as he was satisfied they would consult the convenience of the public. He was not in favour of meeting in the winter, however, but would prefer a season when the navigation is open, and when members could frequently hear from their constituents. But this was another subject, which makes the people of the Province feel more sensibly; the condition of colonial dependence. The members of the Assembly wished to legislate, but have not the power; but it is what they ought to have. A short time since a commercial subject came up for discussion; but they could do nothing: with reference to the Clergy Reserves they could do nothing, and as to this matter it was necessary to address the Crown. The Provincial Secretary proposed to re-construct the Legislative Council, and again there must be an address to the Crown: Why not come out boldly, and tell the people of England, that we want to have the management of the matter ourselves. We should come out boldly, he repeated, and say we wish to adopt a constitution for ourselves, and he was satisfied it would be agreed to. He agreed with the member for Lincoln, that they should legalize a Convention, and get over these difficulties. They must be overcome--and, at once. He would in the present instance, take the course which the Inspector General had advised, and he hoped he would continue that which he was pursuing, and which must prove satisfactory to the Province.³¹

MR. RIDOUT said he rose to confirm the statement, that a general feeling is entertained in the western section of the Province, as to a fixed time for holding Parliament, and he thought it desirable, in consequence of what had fallen from the premier, that the member who introduced the Bill, should, as he understood he intended to do, withdraw it; the object having been attained of having a fixed time for the meeting of Parliament. He was not in favor of meeting in summer, but thought the House should make known what was the proper time for the meeting of the Legislature. He approved of the provision of the Bill, which reiterated the enactment that at the expiration of three years the Parliament should re-assemble in Upper Canada.³²

MR. AT. GEN. RICHARDS, after making some observations upon the general objects of the bill, asked the hon. member for Kent whether he intended withdrawing it.³³

MR. BROWN stated he did.³⁴

MR. AT. GEN. RICHARDS ... [then] said he should like to have the sense of the House, as to the one question of importance in the Bill--the period for the meeting of the Legislature. Members were all desirous of having that fixed, but some worked one time, and some another. If gentlemen therefore could agree among themselves on the subject, they ought not to blame the Government for selecting that which was most convenient. They ought not, he repeated, to find fault with others, when they could not agree among themselves, as to what time is best. If railroads were established, the winter probably would be the best season for meeting, without them the present is the most convenient possible.³⁵

MR. TURCOTTE was understood to say he was against the principle of the bill.³⁶

MR. ROBINSON said, that as the hon. member for Kent intended to withdraw his bill, it was not his intention to occupy much of the time of the House in discussing it; but he must observe that it was exceedingly strange to see the hon. gentleman bringing in a measure of that kind to restrain Responsible Government. That hon. gentleman and his party had always been in favour of Responsible Government; had always advocated its unlimited exercise of power, and now when they have got it, they find some means of restraint necessary. The hon. gentleman said it was necessary to make a change; that ministers were apt to put off the meeting of the Legislature to the latest instance; and "I don't blame them," said he, "it is human nature". Following out the hon. gentleman's argument he ought to call his bill "an Act to fix the time of the meeting of Parliament". Now, if that argument, and that bill, came from the opposition, there would have been some sense in it, because gentlemen on the opposition benches have not the same degree of confidence in the Ministry as the hon. gentleman professes to have. He could not profess to have any great degree of confidence in them, yet he must admit that the time at which they have called Parliament together was, perhaps, as favorable as any that could be chosen. If the bill should be withdrawn, he would be glad if the Ministry would take the subject into their serious consideration, and devise some means of letting the public know at what time Parliament is likely to meet. It is absolutely necessary that something of the kind should be done, as in consequence of the ignorance prevailing on this point every year, a large number of bills are lost, the individuals interested not being able to give notice required by law of their intention to apply to the Legislature.³⁷

MR. BROWN said that his only object in bringing the bill forward, had been attained. That object was to fix the time of meeting, so that there should be no departure from it; but there was undoubtedly force in the argument of the Inspector General relative to the change coming over the country by the introduction of the railway system, and that, owing to that change, a day fixed now might not suit the altered circumstances of the country. He would, therefore, accede to the suggestion of the Inspector General to withdraw the bill, and proceed by address, on the understanding that the Government would support it. With regard to the day mentioned in the bill, he would personally have preferred a different day in winter, but he had yielded to the wishes of several gentlemen in the House.³⁸

Consent being given, the motion for the second reading was withdrawn.³⁹

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Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to abolish the Rec-tories, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to facilitate the recovery of just debts due by Incorporated Companies, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to prevent the ef-fect of fraudulent Elections of Municipal Councillors in Lower Canada, being read;

Mr. Taché moved, seconded by Mr. Fortier, and the Question being put, That the Bill be now read a second time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to a Select Com-mittee, composed of Mr. Taché, the Honorable Mr. Morin, Mr. Solicitor General Chauveau, Mr. Chapais, and Mr. Jobin, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to restrain the man-ufacture, sale, and importation of intoxicating liquors in certain cases, being read;

Ordered, That the Bill be read a second time on Friday next.

The Order of the day for the second reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;⁴⁰

MR. GAMBLE thought it advisable to endeavour to move "the Bill to provide for the care of Drunkards," one stage forward, as he did not think that there is much probability that the Maine Liquor Law will become the law of this Province. In doing so, he would briefly state the necessity for some provision of this kind. The bill embraces two objects--the provision of some care for the drunk-ards, and the prevention of selling liquor to them; and then a provision with regard to their property. It frequently happens that those unfortunate persons have in the first instance a considerable amount of property, and that as the vice grows upon them, they become less and less capable of doing their duty; their property is filched from them, and they become chargeable on the public; whereas if some provision existed by which their property could be taken care of at the outset, it might have been secured as a means of support to them and their children. He, therefore, proposed to deal with those persons exactly as we now deal with lunatics and idiots; but, instead of making the Court of Chan-cery the tribunal to decide as in the case of lunatics, he proposed to give that power to the County Courts, with an appeal to the Court of Chancery in cases of hardship. The hon. gentleman proceeded to mention several cases of destitution and great suffering caused by the vice of habitual drunkenness, and said that, after having witnessed these things himself, he should feel that he had neglected his duty to society if he did not propose some measure to remedy the evil.⁴¹

MR. SOL. GEN. CHAUCHEAU was happy to see the hon. gentleman introduce this bill. It was another instance of the fact that hon. gentlemen found something in the laws of Lower Canada worth copying. The form of procedure in Lower Canada was, however, much more simple than that he proposed.⁴²

MR. GAMBLE had modelled the bill upon two laws now existing in the State of New York, merely making such alterations as he deemed to be necessary under the peculiar circumstances of this colony.⁴³

MR. ROBINSON thought it was high time in a Christian country that some measure

should be taken to prevent the acts of violence, and the suicides which result from the vice of drunkenness. But he did not think that the bill went far enough. He thought that a man who is in the habit of drinking away the substance of his family should be treated as a lunatic or criminal. He would make no distinction between gentle and simple, but treat them all alike. Nevertheless, although the bill did not go far enough, he was happy to see it introduced by the member for South York.⁴⁴

MR. BOULTON was certain that there could be no objection to the bill; and he would remark that he was happy to hear the observations of the Solicitor General for Canada East. He had no doubt there was much in the Lower Canada system of laws which might be copied with advantage by the people of Upper Canada; and he would be glad if the hon. gentleman would devote a month of his valuable time to ascertain how far it would be possible to assimilate the laws of the two sections of the province. He had himself intended to bring in a bill to prevent drunkenness [sic], and his bill would have been very simple; he would have proposed that any person taken up drunk should be set to work, without distinction of rank or sex, and without any discretionary power on the part of the judge, on the roads with an iron ball attached to the leg. (Hear, hear, and laughter.) Gentlemen might laugh, but they ought not to laugh at the idea. They might think it tyrannical because it was the rule acted upon in Russia, but it was also practised under the purest democracy in the world--every day, the drunkards taken up in the city of Detroit might be seen sweeping the streets with an iron ball attached to the leg. The effect was most beneficial, as the fear of such degradation exercised an immense influence over those persons for whom imprisonment in the gaol had no terror. Hon. gentlemen might draw another conclusion from it if they chose, and say that the extreme of despotism and the extreme of democracy very frequently arrived at the same results; but he did not care to take that view of the case. He merely looked at the object of the law, and would certainly like to see it adopted in Canada.⁴⁵

One or two other members expressed themselves in favor of the bill.⁴⁶

MR. BADGLEY opposed it.⁴⁷ [He] said that the effect of the gentleman's proposition if carried into effect would be to drive all the drunkards from the streets, and compel them to get drunk at home and be a nuisance to the unfortunate wife and children, who now, at least, escape the persecution of the drunkard's presence, although they cannot avoid the ruin he inflicts on them. That is the effect in Russia, and also in Michigan. For his own part, he must confess that he did not like those extremes of despotism.⁴⁸ If we copied part of the law of the State of New York in this respect, we must copy the whole, and allow divorce.⁴⁹ With respect to the law of Lower Canada on this subject, he said that he did not know a single instance in which the law was enforced in the District of Montreal.⁵⁰

MR. INSP. GEN. HINCKS could not help thinking of the time which gentlemen on the opposition benches used to favor him with bringing in bills framed on the model of the laws of the State of New York. He did not mean to taunt them now with their propensity to copy from the statute books of New York and Massachussetts, but merely to remind them of the manner in which they taunted him when he introduced the Assessment Bill, because it was modelled on the law of the State of New York. Now, although differing entirely from the members for South York and Toronto in their desire to model the constitution of this Province on that of Massachussetts or New York he had no objection whatever to adopt any of the laws of those States which may have worked well there. He should not propose any obstacle, therefore, to the bill, but should merely ask that the member for South York would consent to refer it to a⁵¹ select committee to frame some amendments⁵².

MR. HARTMAN was pleased that the bill had been received in such a favourable manner; but he thought it was necessary to strike deeper and remove the cause of misery by passing the Maine Liquor Law.⁵³

The Bill was then read a second time, and referred to⁵⁴ a select committee.⁵⁵

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The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Gamble, Mr. Solicitor General Chauveau, Mr. Smith of Durham, the Honorable Mr. Robinson, and Mr. Hartman, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to repeal such Clauses of the Common School Acts of Upper Canada as authorize the establishment of Sec-tarian Schools endowed with the public money, being read;

Ordered, That the Bill be read a second time on Wednesday the sixth of October next, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to establish a Con-solidated Loan Fund for Upper Canada, being read;

*The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Attorney General Richards, and the Question being put, That the Bill be now read a second time;*⁵⁶

MR. INSP. GEN. HINCKS moved the second reading of the bill to establish a consolidated Municipal Loan Fund for Upper Canada.⁵⁷

MR. BROWN hoped that the motion would not be passed. The bill was of very great importance, and a strong feeling was entertained in respect to it in Upper Canada. A few days would put members in possession of the views of their constituents, and he hoped the Inspector-General would not refuse the delay.⁵⁸

MR. INSP. GEN. HINCKS took that opportunity of saying that, with reference to bills of that nature, he was not prepared to wait until hon. gentlemen had gleamed [sic] public opinion. He thought that when hon. gentlemen came to the House of Parliament, they ought to be prepared to act according to their own opinions. They ought to know the feelings of the people beforehand, and stand ready to act on any question submitted to them. Of course the proposition then before the House only involved the principle of the bill, and if that were as-sented to, the bill would be referred to a Committee of the Whole on a future day, when hon. members would be fully prepared with the opinion of their con-stituents on points of detail. The sole object of the bill is to give a higher standard of value to the debentures issued by the several municipalities of Upper Canada. There is a great desire on the part of these bodies to issue their de-bentures for the purpose of aiding in the construction of public works of an extensive character, and they desire to have the means of negotiating their de-bentures on somewhat better terms than they now obtain.⁵⁹ Hon. gentlemen were aware that the municipalities of Upper Canada had only issued a moderate amount of debentures; and they knew that these were intrinsically of as much value as those of the province; yet it was time that they had been sold at a heavy dis-count.⁶⁰ Every one acquainted with the state of the money market, knows that the municipal debentures are scarcely worth more than 85, owing to a number of causes; it is impossible to place this class of stocks in the English market, because the Corporations by which they are issued are altogether unknown there, and because the amounts for which they respectively contract loans are exceedingly small; for instance, how would it be possible to go into the English market, and get a loan of £5,000 or £10,000 to assist some municipality in the construction of the Buffalo and Brantford Railway? Now, the bill proposed to consolidate the debentures of all the municipalities, as the best means of remedying this evil,

and to cause them to be issued by the Receiver General; each municipality being held responsible for the others, and the most stringent provisions being made to compel the payment of the debts they may contract. In this way the debentures would obtain a character and standing in the market, which they could not otherwise obtain. He did not however, propose to extend this system to all the debts which many municipalities may contract; but merely to debts contracted for work of a public character, such as railroads, canals, harbours, and, perhaps, for county buildings. There has been a good deal of difficulty experienced, in practice, in obtaining the consent of the people to the issue of debentures; and he knew that doubts existed as to the legality of all the proceedings connected with them; and he proposed that any by-law passed by a Municipal Council, should be subject to the approval of the Government in Council, but shall not be subject to any confirmation by the tax-payers as under the existing law. He also proposed that any by-law for taking stock should be published at least one month before it is finally passed, for the information of the municipality concerned. He would not refer to the other details of the bill which would be more properly considered in Committee of the Whole; what he stated was quite sufficient to put the House in possession of the main features; and it appeared to him that the principle was so simple that there ought to be no hesitation on the part of the House in adopting it. The simple question is: whether the securities of the municipalities shall continue to be rated as low as they are now, or whether they shall be raised in value by consolidation.⁶¹

MR. ROBINSON was glad to see the hon. Inspector General bring forward this bill. He looked upon it as a most important measure, and one that would give much satisfaction to his constituents, as a means of raising the value of their securities.⁶² [He] had no objection to the second reading of the bill as he was in favour of its principle.⁶³

MR. MERRITT said it was important to raise the value of municipal debentures⁶⁴, [and he] would be in favour of any measure that would make municipal debentures more valuable than at present; but he thought that there was a more simple mode of effecting that object than that which the Inspector General had advised. He meant to say that they should be made available for banking purposes under the law of 1850. That would at once bring them up to their full value. The hon. Gentleman then proceeded to state his objections to some of the details of the bill, and stated his determination to vote against the bill on the third reading, if those details were not repealed or amended in Committee of the Whole. He also objected to the bill because it provides no sinking fund for the payment of the debt contracted by the municipalities.⁶⁵

MR. INSP. GEN. HINCKS. It is provided in the bill.⁶⁶

MR. MERRITT admitted that there was a clause authorizing the formation of a sinking fund, but there was no rent security.⁶⁷ But there was a clause which he considered vague, which stated that the debentures should be public debentures. He had looked at the bank act and thought that the banks would not be obliged to take them. He continued to remark on some of the clauses of the bill. He objected to the bill, because it gave the⁶⁸ Governor in Council⁶⁹ too much power in as far as it enabled the government to say⁷⁰ in what way the money obtained by loan is to be expended⁷¹, what works should be gone on with, and what should not⁷², without any reference to the people⁷³, and their policy was now all railroads.⁷⁴ At the present moment the people themselves determine the objects of the expenditure, and at the same moment they are compelled to impose a tax on themselves for the re-payment of the loan within a certain number of years, thus affording the best security in the world.⁷⁵ He thought the government should

alter the bank act so as to make the banks receive municipal debentures. He would make the Receiver General receive them as provincial paper.⁷⁶

MR. GAMBLE approved of the principle of the Bill in so far as it⁷⁷ confers the power on the Government to endorse the municipal Debentures, and thus raise their value in the money market; but there are a good many details in the bill to which he could not agree, for it appeared to him that they were calculated to renew the old system of centralization; and that they were in many respects most dangerous to the liberties of the people. He desired, certainly, that the debentures of the municipalities should be raised to their full value, but he desired that the power of issuing them should be determined by the people themselves at the polls, and not by the Governor in Council. He would not leave it either to the Governor in Council, or to the Municipal Council the right of declaring what amount should be issued for a particular work, or whether that work should be undertaken with the means of the municipalities.⁷⁸ He dissented altogether to giving the government the power of deciding what works should be undertaken. That was a dangerous power, and would create a strong feeling in Upper Canada.--The power that the Bill would give the government would extend throughout every municipality in the country (hear, hear).--The municipalities should be left to decide what works they would embark in. That was the sound principle; while that of the government would create a general system of corruption.⁷⁹ He repeated that he would be glad to see some measures adopted that would raise the value of the debentures, but his great objection to the bill was the great extension of power it would confer on the Government.⁸⁰

MR. BROWN said, the bill before the House was of very great importance to the whole country, and he could not but express his astonishment at the indifference expressed by the Inspector General as to the opinions of the people of Upper Canada with respect to it. He could scarcely think that the Inspector General would have given utterance to such sentiments before a general election. On first examination, the bill appeared to be an excellent measure. Every one knew that the debentures issued by the Municipalities have been at a very great discount, and that in some instances, they have been almost unsaleable. The effect of this bill would unquestionably be to raise their value at once, and place them at par--a very great point. The bill also secures the honour of the country, and puts repudiation by the municipalities out of the question, for all the localities would be responsible for the good faith of each, and any attempt at delay or refusal in paying up, would raise a clamour throughout the country. But when the bill was more carefully read, one could not fail to be impressed with the objection suggested by the member for South York; that it will throw immense power, a most dangerous amount of power, into the hands of the Government, and unless the details were altered so as to amend this feature of the bill, no one who was truly alive to the evil it would produce can vote for the bill. The fourth section of the second clause enacts that "the by-law of any municipality, and all the provisions thereof shall be subject to the approval of the Governor in Council, but shall not be subject to any confirmation by the inhabitants of the municipality, or any majority or other number of them;" so that a work may be undertaken and a debt incurred by the majority of a Municipal Council composed of five members without consulting the people at all, and merely by obtaining the consent of the Government. Now he thought it was desirable to leave the people of each locality to judge themselves of the amount of stock the municipalities should take in a railroad or canal, and what works should be undertaken. And when they have done so, he did not see why the Government should have power to interfere, and prevent their doing so. Mr. Brown then referred to other clauses, giving the Executive immense power, and which constitute a clear departure from the spirit of the municipal system. In carrying out that system, every

new step had tended to decentralize power, and extend the influence of the Municipal Councils more and more; but the direct effect of this bill would be to take away the most important power that had been given, and bring the three hundred municipalities of Upper Canada under the dictation of the Executive Council. The member for Linclon has suggested another and more simple mode of effecting the object of the bill--raising the value of the debentures--by making them the foundation of banking issues; but he thought the hon. gentleman had forgotten a most important point which the Inspector General's bill accomplished and his did not--security for the prompt re-payment of principal and interest.⁸¹

MR. MERRITT.--It is also provided for by the Act of 1849.⁸²

MR. BROWN was aware that there was a provision under the law of 1849, for the payment of the principal and interest, but not so prompt and certain as is here done. If there were any dilatoriness to the payment on the part of some small municipality, a bad character might, under the present system, be given abroad to the debentures as a class of securities. He thought, however, that the evil likely to arise from the bill as it now stood, far overbalanced the good--and he trusted these portions would be remodelled in Committee. The liberties of the people were at stake in the consideration of the bill--from the vast addition it would make to the already overgrown influence of the Executive. Every hon. gentleman had seen numerous persons daily in Quebec, since the session commenced, hanging on to the members of Government, suing for office or some favour on behalf of a locality--and they cannot but have remarked the influence thus wielded over the views and declarations of such persons. Especially noticeable was this, in the persons of note daily seen here, lobbying for railroads--the selection of route, locating of station, and so forth, depending very much on the dictum of the Executive. He would ask hon. gentlemen to reflect how infinitely all this would be increased, were every local work throughout the country, and every municipal loan of money to depend on the yes or no of the Government of the day? He would vote for the second reading, but only in the hope that the bill would be amended in Committee, and he trusted the Inspector General would not proceed further with it for at least ten days. There was one way in which these objections to the bill might be remedied--by taking the management of the fund out of the hands of the Government, and placing it in a Commission--similar to the Customs' Board of Great Britain. Perhaps the Inspector General might avail himself of the idea. The question was not one in which party feeling should mingle--and he hoped the Government would not refuse a good amendment wherever it came from.⁸³

MR. BOULTON approved of the principle of the bill,⁸⁴ and thought that the Inspector General was entitled to the thanks of the House and the country for bringing it forward, and he regretted to find that there were so many objections raised with respect to the details. For his part, he could not see what objections there should be on the part of the municipalities to give the Government the right to say something as to the issue of their debentures, if they wished to make use of the Government, to raise their value.⁸⁵ He did not see how the value of the municipal debentures could be received, if they were allowed to issue as many as they liked. And if the Government were to take the municipal debentures in ... [hand], they should say what should be issued. But he believed that some restrictions might be imposed on the Government farther than proposed in the bill. Allowing the municipalities to issue as many debentures as they liked, and making them bankable was not the way to raise their value. He contended to speak at some length on several of the clauses of the bill, to some of which he objected.⁸⁶ He would be very glad to see one amendment introduced into the bill, for the purpose of preventing the Government from making use of

the power of influencing the votes of members of the House. What he meant to suggest was, that the Government should not give its assent to any Municipal By-law during the session of Parliament, or for one month after; for the fact is, that members are quite as much in the habit of exerting a little pressure on the Government as the Government are of putting pressure upon the members.⁸⁷ He thought the sinking fund should be invested in a commission instead of the Government.⁸⁸ As to the approval of the rate-payers required by the present law, it is almost a dead letter, for although the people may, at first, oppose every proposition for taking stock, they are generally brought round to consent to it at last. As an instance in point, he mentioned the refusal of the people of Toronto to take stock in the Northern Railroad; they at last acceded to the proposal to take stock in it to the extent of £50,000.⁸⁹ He concluded by saying that on the whole the bill was fairly shaped.⁹⁰

MR. CRAWFORD thought the principle of the bill was good and would be willing to give the Government a little more patronage, if that would increase the value of the municipal debentures. He would ask the Inspector General if the municipalities would be obliged to adopt the method proposed or if they might adopt any other?⁹¹

MR. INSP. GEN. HINCKS said certainly they might.⁹²

MR. J. SMITH (Durham) supported the principle of the bill and thought that the objections which had been raised were entirely futile.⁹³ [He] said, that either from the small amount of debentures issued by each municipality, or else on account of the municipalities being unknown abroad, 85 was the highest their paper ever attained. It was quite evident that this is not the full value, and he was glad to see the Government take some steps to bring the market rate up to some thing like their value. The debentures are issued at present at a ruinous loss, and to suppose that the Government would adopt measures to prevent that, to suppose that the Government would endorse those debentures without having some voice as to the extent to which they were to be issued, was, in his opinion, simply absurd. He also conceived it to be perfectly absurd to suppose that the Government would exercise anything like favouritism in giving, or in refusing its sanction to the by-law of a municipality. What object could the Government have in doing so? Suppose that a municipality applied for the Government approval to a by-law, of course the Government would make some enquiries before giving its sanction and if it should appear that the projected loan was likely to effect the object for which it was intended, and would confer a benefit on the locality, it would be out of the question to imagine the Government would look any further to guide it in coming to a decision.⁹⁴ The bill made a wise restriction as to the kind of works to be undertaken, namely, railways, canals, public buildings, and harbours.⁹⁵ Under all the circumstances, he conceived that the power which the Government demanded, would be nothing extravagant for the House to grant.⁹⁶

MR. SEYMOUR while approving of the principle of the bill,⁹⁷ was opposed to some of the articles of the bill, and especially to that one which repeals the existing law in respect to the ratification by the rate-payers of a municipal by-law.⁹⁸

MR. DIXON could not conceive that there would be any objection to the principle of the bill. But he looked with some alarm on the propensity of the people of Upper Canada to run⁹⁹ over head and ears¹⁰⁰ into debt, and thought that some limit should be imposed, if possible¹⁰¹. No municipality ought to be allowed to issue debentures above a certain proportional amount of the value of the assessment roll; or in proportion to the number of the population. We had already a

good commencement for a national debt, and he did not believe that one generation had a right to plunge a future generation in debt. He believed the present system required a check, and that we wanted a municipal law. The present one had become a perfect labyrinth of intricacy, so that nobody could mend it or understand it.¹⁰² On the principle of self-government, which had been so much lauded on the floor of that House, he would resist the demand made by the Government for an extraordinary power, for he thought that they were going a little too far. The rate-payers of the municipalities are, in his opinion, the best judges of what improvements will tend to their benefit and of the amount which they can contribute to those improvements; and he was unwilling to take out of their hands the right to determine that question, and vest it in the Government.¹⁰³

MR. MACKENZIE did not believe in this system¹⁰⁴ of a grand mutual insurance¹⁰⁵, nor of adding fresh duties to the office of the Receiver General.¹⁰⁶ It would be much better if the House, instead of giving the Receiver General the power claimed for him by the bill, would appoint a committee, to ascertain how that hon. gentleman's office is managed. Such a committee would find that there is something wrong in this great office--much more than people expect, and he did not say that without knowing what he meant. It appeared to him that the first step the House should take, in such an important question as that under consideration, ought to be the sending of a copy of the bill to every municipal body in the Province, for the purpose of obtaining information, as to the wishes of the people.¹⁰⁷ He contended that the effect of the bill of the Inspector General would be pernicious, and would lead to the catastrophe of making all the municipalities of the country to break down and injure the credit of the Province.¹⁰⁸ If a majority of the people gave their assent to it, he should have no objection to vote for it; but in the absence of information, he would vote against the bill, from stem to stern; there was no doubt about that, and he never feared that the vote would come up against him in judgment.¹⁰⁹

MR. AT. GEN. RICHARDS spoke in reply to Mr. Mackenzie and¹¹⁰ said that the object of the member for Haldimand in making his insinuations against the Receiver General, clearly was to induce the House to believe that that hon. gentleman was not competent to discharge the duties of his office. If the hon. member for Haldimand had any abuse to complain of, let him make his charge in black and white, and not make such insinuations as no other member in the house would make use of. In answer to some of the arguments used against the bill,¹¹¹ he informed the hon. member that the Government were not going to invite the municipalities to run into debt. They had the power now to raise money on their own security, and the Government only proposed to endeavour to raise debentures which now sold at a heavy discount, to par.¹¹² He said that the Government had no desire, and would have no power under the bill to compel any municipality to take stock: the effect would be merely this: a Municipal Council desire to take stock in a railroad or canal; before they pass the by-law they must give a month's notice in the most public manner to the rate-payers, and if any considerable portion of the rate-payers are opposed to the project, they will send their remonstrance to the Government against the by-law. Now he would ask what benefit it would be for Government to go in the face of such a remonstrance?¹¹³ The Government could have no wish to force a municipality to incur a debt against such a remonstrance.¹¹⁴ The very object that hon. gentlemen proposed to attain by submitting the by-law to the rate-payers would be thus gained; and on the other hand, if the rate-payers acquiesced in the by-law and conceived that it was desirable, the loan should be made, the work would go on. If it could be shown that the Government would be anxious to encourage the contraction of loans by the Municipalities, then he

would admit that the power might be a dangerous one, and that the by-law ought to be submitted to the rate-payers for their approval.¹¹⁵ He continued to reply to other arguments of Mr. Mackenzie and stated the [sic] he did not think the municipalities would be likely to run into any extravagances when they had to pay up their debentures in twenty years.¹¹⁶ He was confident that this view of the question would be taken by the people generally, and that¹¹⁷ nobody who knew anything of the practical working of the municipal system of Upper Canada, would say that the Government would not receive credit¹¹⁸. If their votes were polled they would say that the Government was entitled to thanks for raising the Municipal debentures¹¹⁹ fifteen or twenty per cent¹²⁰ if they did nothing else.¹²¹

MR. LANGTON concurred fully in the views of the Attorney General West, and said that, under the existing law, it is exceedingly difficult to get two-thirds in any municipality, from the unwillingness of the people to spare time in going to the polls, even when they are in favour of the proposal to take stock.¹²² [He] reviewed several objections that had been urged against the bill, and did not attach any weight to them, except to one raised by the member for Toronto, that it would be better to place the sinking fund in the hands of commissioners instead of those of the¹²³ Receiver General¹²⁴. That he thought would be better. After alluding to some details, he said¹²⁵ he was in favor of the bill as it was presented to the House [and that]¹²⁶ the measure should have his strenuous support.¹²⁷

MR. MACKENZIE would move an amendment to the bill. There had been no public opinion elicited in its favor; nor had there been time to get any. He contended at some length that a bill of so much importance should not be passed before the voice of the country had been heard upon it. He moved an amendment to the effect that instead of the bill being read a second time, the clerks of the House be¹²⁸ directed to send one copy to each Reeve of a township, Mayor of a city or town, and Warden of a county¹²⁹ of Upper Canada¹³⁰, for the purpose of eliciting public opinion thereon¹³¹.

The motion dropped for want of a seconder.¹³²

MR. INSP. GEN. HINCKS replied. He had no objection to defer going into committee for some time, but ... the expression of opinion of the House that night, no member opposing the principle of the bill, except the hon. member for Haldimand,¹³³ had shown most conclusively that he was perfectly right in not acceding to the proposition to defer the second reading. By persisting in the motion, he had succeeded in eliciting the opinion of hon. gentlemen on both sides of the House, and he conceived that it was exceedingly desirable to hear the objections to an important bill when first brought under notice. As the hon. member for Haldimand was the only member who opposed the principle, and as the hon. member could not get a seconder to his motion for postponement, he could not see any reason why the House should not at once proceed to adopt the principle, and then allow a sufficient time to elapse before going into committee for hon. gentlemen to obtain the views of their constituents. The member for Lincoln had objected to the bill on the ground that it was quite unnecessary, and that a bill to render the Municipal debentures bankable would be more simple, and equally effectual in bringing them up to par; but when he recollected the discussion which took place on the Banking bill, when he recollected that the House refused to include in that bill a class of paper which he thought ought to have been included, he had no idea that they would consent to allow the debentures of every little municipality in Upper Canada to be used as securities for banking issues. (Hear, hear.)¹³⁴ However, if any doubts arose upon that clause of the bill, he had no wish that it should be left ambiguous, and would not object to its being made more clear.¹³⁵ With regard to another objection, that the Government would be

given too great a degree of control over the municipalities, when it is recollected that the Government will have to protect the interest of all localities, no one should say that the Government ought to be placed at the mercy of the municipalities; that the Government should be compelled to endorse every number of debentures the municipalities might choose to issue, without any consideration for the state of the money market, and without any power on the part of the Government to refuse its sanction, however unwise the proposed loan might be.¹³⁶ The government could not arbitrarily refuse or accept any work. They were responsible to that House, and must give a good reason for all that they did.¹³⁷ He further contended that the government could not have less security than that provided for in the bill, over the works for which they should receive debentures. He stated that the government could have no desire to encourage improvident speculations. They did not invite the municipalities to enter upon any works. The bill would give no new power as the hon. member for Haldimand seemed to fancy. The municipalities had now the power of issuing debentures for railways, &c., and it was in consequence of this power, that the present bill was proposed.¹³⁸ As to the check imposed on the municipalities, themselves, under the present system, he should be happy to obtain some assistance from those gentlemen who had had some experience of the working of the system. From his own knowledge of it, he conceived it to be a perfect farce. He had seen a public meeting called to determine whether the County of Oxford should, or should not, take stock to the extent of £25,000 in the Great Western Railroad. Several of the townships were utterly opposed to the project, because the road would not pass them, but scarcely any of the residents of those townships were present, the meeting being held in Woodstock, among a population who were all railroad men. The proposition was, of course, carried by a large majority, no poll being held; and the County of Oxford was pledged to take stock to the amount of £25,000 before the meeting separated.¹³⁹ With regard to the argument of the hon. member for Toronto that the sinking fund should not be invested in the government, he admitted that there was force in it; and would be willing that that clause should be amended. He remarked on some further details of the bill.¹⁴⁰

MR. MERRITT [then] made a few remarks.¹⁴¹

The motion for the second reading was then carried.¹⁴²

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The House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Badgley, Boulton, Brown, Burnham, Cartier, Cauchon, Chapais, Solicitor General Chauveau, Clapham, Crawford, Dixon, Fergusson, Gouin, Hartman, Hincks, Langton, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Malloch, Marchildon, Mattice, McDougall, Merritt, Morin, Murney, Papineau, Patrick, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Shaw, Short, Smith of DURHAM, Stevenson, Taché, Tessier, Turcotte, Valois, Varin, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(48.)

NAY.

Mr. Mackenzie.--(1.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Boulton, seconded by the Honorable Mr. Badgley,
The House adjourned.

FOOTNOTES: 28 SEPTEMBER 1852.

1. The following papers reported the debate on this matter in identical accounts: HAMILTON SPECTATOR DAILY, 28 September 1852, PILOT, 29 September 1852, GLOBE, 30 September 1852, BRITISH COLONIST, 1 October 1852, OTTAWA CITIZEN, 2 October 1852, and BATHURST COURIER, 8 October 1852; PILOT, 30 September 1852, HAMILTON SPECTATOR DAILY, 30 September 1852, BRITISH WHIG, 30 September 1852, GLOBE, 30 September 1852 (which misdated the debate as 27 September 1852), and HAMILTON SPECTATOR WEEKLY, 7 October 1852. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 30 September 1852, QUEBEC GAZETTE, 1 October 1852, PILOT, 2 October 1852, MONTREAL GAZETTE, 4 October 1852, BRITISH COLONIST, 5 October 1852, HAMILTON SPECTATOR DAILY, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN SEMI-WEEKLY, 12 October 1852, and NORTH AMERICAN WEEKLY, 14 October 1852. The debate was also reported by: EXAMINER, 6 October 1852; GLOBE, 7 October 1852; and LA MINERVE, 2 October 1852.
2. GLOBE, 7 October 1852.
3. MORNING CHRONICLE, 30 September 1852.
4. GLOBE, 7 October 1852.
5. MORNING CHRONICLE, 30 September 1852.
6. GLOBE, 7 October 1852.
7. MORNING CHRONICLE, 30 September 1852.
8. GLOBE, 7 October 1852.
9. MORNING CHRONICLE, 30 September 1852.
10. GLOBE, 7 October 1852.
11. MORNING CHRONICLE, 30 September 1852.
12. GLOBE, 7 October 1852.
13. MORNING CHRONICLE, 30 September 1852.
14. GLOBE, 7 October 1852.
15. IBID.
16. MORNING CHRONICLE, 30 September 1852.
17. GLOBE, 7 October 1852.
18. MORNING CHRONICLE, 30 September 1852.
19. GLOBE, 7 October 1852.
20. IBID.
21. MORNING CHRONICLE, 30 September 1852.
22. GLOBE, 7 October 1852.
23. MORNING CHRONICLE, 30 September 1852.
24. GLOBE, 7 October 1852.
25. MORNING CHRONICLE, 30 September 1852.
26. GLOBE, 7 October 1852.
27. MORNING CHRONICLE, 30 September 1852.
28. GLOBE, 7 October 1852.
29. MORNING CHRONICLE, 30 September 1852.
30. GLOBE, 7 October 1852.
31. IBID.
32. IBID.
33. MORNING CHRONICLE, 30 September 1852.
34. IBID.
35. GLOBE, 7 October 1852.
36. MORNING CHRONICLE, 30 September 1852.
37. GLOBE, 7 October 1852.
38. IBID.
39. IBID.

40. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 30 September 1852, QUEBEC GAZETTE, 1 October 1852, PILOT, 2 October 1852, MONTREAL GAZETTE, 4 October 1852, BRITISH COLONIST, 5 October 1852, HAMILTON SPECTATOR DAILY, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN SEMI-WEEKLY, 12 October 1852, and NORTH AMERICAN WEEKLY, 14 October 1852. The debate was also reported by: EXAMINER, 6 October 1852; GLOBE, 7 October 1852; and NIAGARA MAIL, 13 October 1852.
41. GLOBE, 7 October 1852.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. MORNING CHRONICLE, 30 September 1852.
47. IBID.
48. GLOBE, 7 October 1852.
49. MORNING CHRONICLE, 30 September 1852.
50. GLOBE, 7 October 1852.
51. IBID.
52. MORNING CHRONICLE, 30 September 1852.
53. GLOBE, 7 October 1852.
54. IBID.
55. MORNING CHRONICLE, 30 September 1852.
56. The following papers reported the debate on this matter in identical accounts: PILOT, 30 September 1852, HAMILTON SPECTATOR DAILY, 30 September 1852, BRITISH WHIG, 30 September 1852, GLOBE, 30 September 1852 (which misdated the debate as 27 September 1852), BRITISH COLONIST, 1 October 1852, OTTAWA CITIZEN, 2 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, and BATHURST COURIER, 8 October 1852. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 30 September 1852, QUEBEC GAZETTE, 1 October 1852, PILOT, 2 October 1852, MONTREAL GAZETTE, 4 October 1852, BRITISH COLONIST, 5 October 1852, HAMILTON SPECTATOR DAILY, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN SEMI-WEEKLY, 12 October 1852, and NORTH AMERICAN WEEKLY, 14 October 1852. The debate was also reported by: EXAMINER, 6 October 1852; GLOBE, 7 October 1852; and LA MINERVE, 2 October 1852.
57. GLOBE, 7 October 1852.
58. IBID.
59. IBID.
60. MORNING CHRONICLE, 30 September 1852.
61. GLOBE, 7 October 1852.
62. IBID.
63. MORNING CHRONICLE, 30 September 1852.
64. IBID.
65. GLOBE, 7 October 1852.
66. IBID.
67. IBID.
68. MORNING CHRONICLE, 30 September 1852.
69. GLOBE, 7 October 1852.
70. MORNING CHRONICLE, 30 September 1852.
71. GLOBE, 7 October 1852.
72. MORNING CHRONICLE, 30 September 1852.
73. GLOBE, 7 October 1852.
74. MORNING CHRONICLE, 30 September 1852.
75. GLOBE, 7 October 1852.

76. MORNING CHRONICLE, 30 September 1852.
77. IBID.
78. GLOBE, 7 October 1852.
79. MORNING CHRONICLE, 30 September 1852.
80. GLOBE, 7 October 1852.
81. IBID.
82. IBID.
83. IBID.
84. MORNING CHRONICLE, 30 September 1852.
85. GLOBE, 7 October 1852.
86. MORNING CHRONICLE, 30 September 1852.
87. GLOBE, 7 October 1852.
88. MORNING CHRONICLE, 30 September 1852.
89. GLOBE, 7 October 1852.
90. MORNING CHRONICLE, 30 September 1852.
91. IBID.
92. IBID.
93. IBID.
94. GLOBE, 7 October 1852.
95. MORNING CHRONICLE, 30 September 1852.
96. GLOBE, 7 October 1852.
97. MORNING CHRONICLE, 30 September 1852.
98. GLOBE, 7 October 1852.
99. IBID.
100. MORNING CHRONICLE, 30 September 1852.
101. GLOBE, 7 October 1852.
102. MORNING CHRONICLE, 30 September 1852.
103. GLOBE, 7 October 1852.
104. MORNING CHRONICLE, 30 September 1852.
105. GLOBE, 7 October 1852.
106. MORNING CHRONICLE, 30 September 1852.
107. GLOBE, 7 October 1852.
108. MORNING CHRONICLE, 30 September 1852.
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110. MORNING CHRONICLE, 30 September 1852.
111. GLOBE, 7 October 1852.
112. MORNING CHRONICLE, 30 September 1852.
113. GLOBE, 7 October 1852.
114. MORNING CHRONICLE, 30 September 1852.
115. GLOBE, 7 October 1852.
116. MORNING CHRONICLE, 30 September 1852.
117. GLOBE, 7 October 1852.
118. MORNING CHRONICLE, 30 September 1852.
119. GLOBE, 7 October 1852.
120. MORNING CHRONICLE, 30 September 1852.
121. GLOBE, 7 October 1852.
122. IBID.
123. MORNING CHRONICLE, 30 September 1852.
124. GLOBE, 7 October 1852.
125. MORNING CHRONICLE, 30 September 1852.
126. GLOBE, 7 October 1852.
127. MORNING CHRONICLE, 30 September 1852.
128. IBID.
129. GLOBE, 7 October 1852.
130. MORNING CHRONICLE, 30 September 1852.

131. GLOBE, 7 October 1852.
132. IBID.
133. MORNING CHRONICLE, 30 September 1852.
134. GLOBE, 7 October 1852.
135. MORNING CHRONICLE, 30 September 1852.
136. GLOBE, 7 October 1852.
137. MORNING CHRONICLE, 30 September 1852.
138. PILOT, 2 October 1852.
139. GLOBE, 7 October 1852.
140. PILOT, 2 October 1852.
141. MORNING CHRONICLE, 30 September 1852.
142. GLOBE, 7 October 1852.

WEDNESDAY, 29 SEPTEMBER 1852.

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MR. SPEAKER acquainted the House that the Clerk of this House had received from the Clerk of the Crown in Chancery a Certificate of the Return Joseph C. Morrison, Esquire, for the Town of Niagara, in the room and place of the Honorable Francis Hincks, who, since his election for the County of Oxford and the said Town of Niagara, had made his Election for the said County of Oxford.

And the said Certificate was read; and is as followeth:--
Province of Canada.

Office of the Clerk of the Crown in Chancery.
Quebec, 29th September, 1852.

This is to certify, that in virtue of a Writ of Election, dated the eighth day of September instant, issued by His Excellency the Governor General, and directed to the High Sheriff of the United Counties of Lincoln and Welland, (William Kingsmill, Esquire,) Returning Officer *ex-officio* for the Town of Niagara, for the election of one Member to represent the said Town of Niagara in the present Parliament, in the room and place of the Honorable Francis Hincks, who, since his Election to serve for the County of Oxford, and the said Town Niagara, had made his Election, according to Law, to serve for the said County of Oxford, Joseph C. Morrison, Esquire, has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the twenty-fifth day of September instant, which is now lodged of record in my office.

Felix Fortier,
C C. Chancery.

To W.B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

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Joseph C. Morrison, Esquire, Member for the Town of Niagara, having previously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Joseph Edouard Turcotte, Esquire, being a Member appointed by Mr. Speaker to serve on the General Committee of Elections for the present Session, (in the place and stead of the Honorable Jean Chabot, whose seat had become vacant,) and not objected to by the House, took the following Oath:

I do swear that I will truly and faithfully perform the duties belonging to a Member of the General Committee of Elections, without fear or favor, to the best of my judgment and ability. So help me God.

Ordered, That the Orders of the day be postponed until To-morrow.

As soon as the House assembled¹ MR. INSP. GEN. HINCKS moved an adjournment out of respect to the memory of the Duke of Wellington.²

The motion was unanimously carried.³

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On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Badgley, Resolved, That as a tribute of respect to the memory of His Grace the late Duke of Wellington, this House do now adjourn.

And the House adjourned accordingly.

FOOTNOTES: 29 SEPTEMBER 1852.

1. The following papers reported this adjournment in identical accounts:
GLOBE, 30 September 1852 (which misdated its account as 28 September 1852),
PILOT, 30 September 1852, BRITISH WHIG, 30 September 1852, HAMILTON SPEC-
TATOR DAILY, 30 September 1852, QUEBEC GAZETTE, 1 October 1852 (which mis-
dated its account as 27 September 1852), BRITISH COLONIST, 1 October 1852,
OTTAWA CITIZEN, 2 October 1852, MONTREAL GAZETTE, 4 October 1852 (which
misdated its account as 27 September 1852), and HAMILTON SPECTATOR WEEKLY,
7 October 1852.
2. GLOBE, 30 September 1852.
3. IBID.

THURSDAY, 30 SEPTEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Alexander Dempster and others, of the County of Carleton.

By Mr. LeBlanc,--The Petition of the Municipal Council of the Municipality of the County of Vaudreuil.

By the Honorable Mr. Cameron,--The Petition of John Farquharson and others, Members of the Stratford Division, No. 236, of the Sons of Temperance of Canada West; the Petition of J.L. Tucker and others, of the Township of Clarke; the Petition of John Alexander, Esquire, and others, of the County of Simcoe; the Petition of the Municipality of Wainfleet; the Petition of the Municipality of the Township of Pelham; the Petition of C.J. Horner and other Ladies of the Township of Granby; and the Petition of Edward Finlay and others, of the Counties of Sheffield and Missisquoi.

By the Honorable Mr. Rolph,--The Petition of the Reverend William McMurray and others, of the Town of Dundas.

By the Honorable Mr. Robinson,--The Petition of Mary McConnell and other Ladies of the Counties of York and Simcoe; and the Petition of W.B. Hamilton, Esquire, and others, of the Townships of Tiny and Tay, County of Lincoln.

By Mr. Mackenzie,--The Petition of William DeCew and others, of the County of Haldimand.

By the Honorable Mr. Young,--The Petition of the Natural Historical Society of Montreal; the Petition of Anna Wood and others, female Inhabitants of Montreal and its vicinity; and the Petition of John Holland and others, of Montreal and its vicinity.

By Mr. Lemieux,--The Petition of William Henderson, Esquire, and others, of Frampton, Buckland, and other Townships, in the County of Quebec; and the Petition of P. Paradis and others, of the Parish of St. Henry, County of Dorchester.

By Mr. Lacoste,--The Petition of the Council of the Corporation of the Village of St. John.

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By Mr. Shaw,--Three Petitions of the Municipality of the Township of Drummond.

By Mr. Taché,--The Petition of Louis Bertrand, Esquire, and others, of the Parish of L'Isle Verte, County of Rimouski; and the Petition of the Reverend Cyprien Tanguay and others, of the Parish of St. Germain, County of Rimouski.

By Mr. Solicitor General Chauveau,--The Petition of the Very Reverend C.F. Cazeau and others, of the Parishes of Ste. Foye and Quebec.

By Mr. Wright of the East Riding of York,--The Petition of Nathaniel Sharrard and others, of the County of Ontario; and the Petition of William Cross and others, of the Township of Innisfil, County of Simcoe.

By Mr. Hastice,--The Petition of Francis Kirkpatrick and others, of the County of Stormont.

By Mr. Stevenson,--The Petition of John R. Ogden and others, of the County of Prince Edward.

By Mr. Brown,--The Petition of R.S. Mann and others, of the Village of Beachville; the Petition of William Edwards, Esquire, and others, of the Township of Clarence; the Petition of Jannet Kippen and others, of the Townships of Kenyon and Roxborough; the Petition of William Hepburn and others, of the Village of Chippawa; the Petition of William Webster and others, of the Townships of Euphemia and Dawn, Gore of Camden; and the Petition of the Reverend Robert Wallace and others, of the Village of Ingersoll and vicinity, County of Oxford.

By Mr. Street,--The Petition of John B. O'Reilly and others, of the Townships of Pelham and Wainfleet; and the Petition of Catherine Beam and other Ladies, of the Township of Bertie.

By Mr. Smith of Durham,--The Petition of William Taylor and others, of the County of Durham.

By the Honorable Mr. Badgley,--The Petition of the President and Members of the Royal Institution for the advancement of Learning, Governors of McGill College.

By Mr. Dubord,--The Petition of Nicholas Allard and others, Proprietors of Vessels of Quebec, engaged in the Commerce between the different Ports of the British Possessions.

By Mr. Morrison,--The Petition of the Town Council of the Town of Niagara.

By Sir Allan N. MacNab,--The Petition of the Mayor, Aldermen and Councillors of the City of Hamilton.

By the Honorable Mr. Attorney General Richards,--The Petition of J.H. Proctor and others, of the Township of Brighton; and the Petition of Duncan Livingston and others, of the County of Leeds.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Honorable R.U. Harwood and others, of the County of Vaudreuil; praying for certain amendments to the Registry Laws of Lower Canada.

Of Charles Campbell, Esquire, and others, of the Municipal Division Number one of the County of Megantic; praying that the Municipal system of Lower Canada may be amended, by substituting Parish and Township Municipalities for County Municipalities.

Of the Municipality of the Township of Hamilton; praying that the Petition of John K. Roche, of the Town of Port Hope, for the passing of an Act to enable him to recover a certain amount due him for his services in making a Survey of the said Township and making permanently certain boundaries therein, may not be granted.

Of the Municipality of the Township of Uxbridge; praying that the proposed Grand Trunk Line of Railroad throughout the Province may be made to pass through the interior of the Country.

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Of a Provisional Municipal Council of the County of Ontario; praying for certain amendments to the Municipal Corporations Law.

Of William Rastall and others, of Kincardine and neighbouring settlements, County of Bruce; representing certain grievances connected with the terms and mode of granting Public Lands, and praying the modification thereof.

Of William Everett and others, of the Township of Chatham, County of Kent; of J.J. Harrison and others, of the Townships of Howard and Harwich, County of Kent; of John Dobbyn and others, of the Township of Sombra, County of Kent; of William B. Wells, Esquire, and others, of the Town of Chatham; of A. Sproston and others, Sons of Temperance, and others, of Montreal; of Andrew Hudson and others, of the Township of Tyendinaga; and of the Reverend James Rogers, Moderator, and William Gregg, Clerk, on behalf of the Kingston Presbytery of the Presbyterian Church of Canada; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Of the Reverend Edward White and others, of the Township of Sarnia; of the Reverend James Gardiner and others, the Ministers, Officers and Members of the Church and Congregation on the Kingston Circuit of the Methodist Episcopal Church in Canada; of the Reverend James Rogers, Moderator, and William Gregg, Clerk, on behalf of the Kingston Presbytery of the Presbyterian Church of Canada; and of Charles Robinson, Esquire, and others, of the Township of Thorah, County of On-

tario; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service.

Of the Reverend N. Guerout and others, of the County of Berthier; praying for certain amendments to the Education Law of Lower Canada.

Of the Literary and Historical Society of Quebec; praying aid to enable them to defray the expenses incurred by removing from the Legislative Buildings, and fitting up anew their Library, and Geological and Mineralogical Collections with the Public Museum.

Of the Literary and Historical Society of Quebec; praying for the usual aid.

Of the Municipal Council of the Municipality of Division Number one of the County of L'Islet; praying for the construction of the proposed Railroad from Quebec to Halifax.

Of R.N. Waddell and others, Merchants, of the Town of Port Hope; praying for the passing of an Act to vest the Port Hope Harbour in the Town Council of the said Town, or in five Commissioners to be appointed under certain conditions, and that the present Commissioners only hold office until the first of January, and until relieved from personal responsibility.

Of the Municipality of the Village of the Parish of St. Michel de Vaudreuil; praying for certain amendments to the Education Law.

Of Moses Mayball, of the City of Montreal; praying for the passing of an Act to authorize him to practise his profession of Medicine, Surgery and Midwifery in the said City, and to recover fees therefor.

Of A.C. Buchanan, Esquire, and others, the Trustees of the Quebec Turnpike Roads; praying authority to borrow a certain amount of money for the construction of a Suspension Bridge in lieu of the Montmorency Bridge.

Of the British North American Electric Telegraph Association; praying for certain amendments to the Act incorporating the said Company.

Of Mrs. Josephine Lévêque dite Lafrance, widow of the late Joseph Viger, of the City of Quebec; representing that for fourteen years she was Keeper of the Castle of St. Louis in the said City, but that being now deprived of that charge, and the remuneration therefor, she is left in old age poor and unprovided for, and praying relief in consideration of the premises.

Of Edward Barry, M.D., and others, of the Town of London; praying aid for the establishment of a General Hospital in the said Town.

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Of J.H.S. Drinkwater and others, of the Township of Orillia, County of Simcoe; praying for the passing of an Act to incorporate a Company under the name of the St. Lawrence and Lake Huron Railroad Company, as applied for.

Of P. Low, Esquire, Mayor, and others, of the Town of Picton; praying aid to improve the Harbour of the said Town.

Of the Montreal and Kingston Railway Company; praying that no Bill may be passed to incorporate any Company for the construction of any other Railroad than that which they are authorized to construct between Kingston and Montreal, and to be heard, if necessary, at the Bar of the House with reference thereto.

Of Messieurs Brown & Child and others, Master-Shoemakers, of the City of Montreal; praying that certain specific protective Duties may be imposed on Boots and Shoes of a foreign manufacture.

Of the Right Reverend the Lord Bishop of Toronto, on behalf of the Clergy and Delegates of the Laity of the United Church of England and Ireland, of the Diocese of Toronto; praying that the Common School Act may be so amended as to provide for the establishment of separate Schools for the children of members of the said Church.

Of the Reverend James Williamson, Minister, and others, Elders and Trustees of the St. Andrew's Church in the City of Quebec; praying for aid on behalf of the St. Andrew's School in the said City.

Ordered, That the Petition of William Delo and others, Stevedores, of the City of Quebec, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of the Municipality of the Township of Uxbridge, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of Walter Stevenson and others, of the Township of Alnwick; the Petition of Reuben Scott and others, of the Township of Cramahe; and the Petition of George Freeman, President, and others, Members of the British American Temperance League, and others, of the Township of Hamilton, County of Northumberland, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Mr. Gamble reported from the Select Committee on the Bill to amend the Act authorizing the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada, so as to compel them to keep their Roads in repair, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for Wednesday next.

The Honorable Mr. Merritt reported from the Select Committee appointed on Monday last, to prepare and report the draught of an humble Address to Her Most Gracious Majesty, That they had drawn up an Address accordingly; and the same was read, as followeth:--

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, most respectfully approach Your Majesty humbly to represent the disappointment of many of the Inhabitants of this Province, when they discovered that the hardest fought Battles therein, during

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the late War with the United States, were not included in the General Order of the first of June, 1847, which awarded Medals for certain Actions.

That the said General Order confined the distribution of Medals to those Actions only where the General or Superior Officer of the several Armies or Corps of Troops engaged, had already received that distinction, and that consequently many of the Battles of this Country, not coming within this Order, there is cause to believe it will not be departed from in behalf of the Canadian Militia without a strong and respectful representation to Your Most Gracious Majesty from the Legislature.

That Your Majesty's attention is therefore respectfully called to the distinguished services of the Canadian Militia during the aforesaid War with the United States of America, with a view of removing the invidious distinction created by the distribution of those Medals.

That on the 19th June, 1812, War was proclaimed by the United States against Great Britain; and on the 11th July following, Canada was invaded by General Hull, at Sandwich, in the western part of the Province, which was the commencement of the first campaign, at a time when the whole disposable force above Kingston, did not exceed six hundred men, (the 41st Regiment).

That on the 13th October, the second attempt at invasion was made at Queenston; on the 28th November, the third attempt was made at Frenchman's Creek, below Fort Erie, under Colonel Boerstler; and on the 2nd December, the fourth, under General Smith, near Fort Erie; the result of the campaign being the capture of Michilimackinac and Detroit, by the British and Canadian Forces.

That the most extensive preparations were made by the Government of the United States, for invading Canada at different points during the year 1813. Eight thousand men were raised to serve under General Hampton, called the Army of the North; General Dearborn commanded the Army of the Centre, and General Harrison, the Army of the West.

That the second campaign was opened by the British Forces under Colonel Macdonald of the Glengary Light Infantry, and Militia of the Johnstown and Eastern Districts, who crossing on the ice, on the 22nd of February, captured the Garrison of Ogdensburgh. The American Army of the North moved shortly after on Lower Canada, by Lake Champlain, but without effect. The Army of the Centre captured York, on the 27th April, and Niagara, 27th May. The Army of the West, under General Winchester, having moved onward towards Detroit with a view of re-taking it, was captured at River Raisin, on the 22nd January.

That notwithstanding Canada was invaded by these formidable Armies at four different points, and the whole force concentrated in November to attack Montreal, the second campaign ended by the capture of Fort Niagara in the United States, on the 18th December, together with Lewiston, Black Rock, and Buffalo.

That the third campaign opened by the whole power of the United States concentrating early in 1814, at Buffalo, opposite the Niagara Frontier, under General Brown. The twelfth invasion was made at Fort Erie, on the 3rd July, and in December the same Army were compelled to return into winter quarters at Buffalo, after leaving the entire Frontier a scene of ruin and desolation.

That the third and last campaign was thus brought to a close, after a series of continued Actions, without the loss of a single acre of territory, the Canadian Militia having acquired, in common with the British Forces, a reputation for loyalty and gallantry of which their posterity may feel justly proud.

We therefore respectfully pray, that Your Majesty will be pleased to confer a similar Medal to those already awarded for the Battles of Detroit, Chrysler's Farm, and Chateauguay, on the few survivors who so successfully defended their Country, by the capture of Michilimackinac; the battle of Queenston; the capture of Ogdensburgh; the defeat and capture of General Winchester and his Army at the River Raisin; the battles of Miami, Stoney Creek, and Beaver Dam; and the capture

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of Fort Niagara, Lewiston, Black Rock, and Buffalo; the battles of Longwood, Lacolle, and Lundy's Lane, and the siege of Fort Erie, including moreover those who were wounded in action during any of the campaigns.

We humbly, in conclusion, beg leave to state that although, from the length of time which has elapsed, but few of the gallant men remain who were then so conspicuously instrumental in saving this important portion of the British Empire, Your Majesty's faithful Subjects humbly hope that Your Majesty will graciously grant the prayer of their loyal Address.

The said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors that this House hath adopted an Address to Her Majesty on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. Merritt do carry the said Message to the Legislative Council.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Twelfth Report of the said Committee; which was read, as followeth:

Your Committee have examined the Petitions of Edmund Ritchie and others, for

incorporation of a Company to construct a Railroad from the Great Western at Hamilton to Toronto,--and of Isaac Buchanan and others, for incorporation of a Company to construct a branch from the Great Western Railroad at Galt to Guelph, and find that sufficient Notice has been given; which is also the case with respect to the Petition of the Toronto and Guelph Railway Company, the Notices having been proved on their former Petition already reported upon.

The Petition of the Peterborough and Port Hope Railway Company prays for such an amendment of "The Railway Clauses Consolidation Act" as to empower Municipal Corporations to subscribe for their Stock, and that of any other Company in existence before the passing of the Act. No Notice of the application has been given, but Petitions having been presented from the Municipal Councils of Port Hope, Cavan, Hope, and South Montague, in furtherance of the measure, it would appear to have been sufficiently well known in those localities; and Your Committee would therefore beg leave to recommend a suspension of the 64th Rule in this case.

The Petition of G.H. Monk and others for removal of the Registry Office for Terrebonne to Ste. Thérèse, is one to which the 64th Rule applies; but as it is numerously signed by persons residing in various parts of the County, Your Committee would submit to Your Honorable House whether it may not be expedient to suspend the Rule in this instance also.

With reference to the Petition of the Industry Village and Rawdon Railroad Company for amendments to their Act of incorporation, and power to extend a branch to the Church of St. Jacques, Your Committee find that none of the requisite Notices have been given; and upon an examination of the amendments specified in the Petition, they find that all of them come within the provisions of the 64th Rule, with the exception of those for empowering the Company to borrow money at a higher rate of interest than six per cent, and for enabling Stockholders to give evidence in Courts of Law in matters affecting the Company.

The Petition of John C. Becket for incorporation of the Order of the Sons of Temperance in Canada East, is not of a nature to require the publication of Notice.

On the Petition of the School of Medicine and Surgery of Montreal, for an extension to its Students of similar privileges to those enjoyed by the Graduates of McGill College, Your Committee find that no Notice has been given.

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Ordered, That the Petition of Donald Cameron, of the Township of Thorah, be printed for the use of the Members of this House.

Ordered, That Mr. Varin have leave of absence from the first to the eighth of October next, on urgent business and on account of illness in his family.

Ordered, That the Petition of the Honorable R.U. Harwood and others, of the County of Vaudreuil, be printed for the use of the Members of this House.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to authorize the construction of a Railroad from Galt to Guelph.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That five hundred extra copies of the Bill to establish a Consolidated Loan Fund for Upper Canada, be printed for the use of the Members of this House.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Annual Report of the Normal, Model, and Common Schools in Upper Canada, for the year 1851.

For the said Report, see Appendix (J.J.)

Ordered, That the Report be printed in pamphlet form, under the direction of the Standing Committee on Printing; and that a copy be furnished to each Municipal Council, Local Superintendent of Common Schools, Board of Public Instruction, and School Corporation in Upper Canada, exclusive of the number printed for the use of the Members of this House.

Ordered, That Mr. Ridout have leave to bring in a Bill to amend the Act incorporating the Toronto and Guelph Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Sicotte have leave of absence until the tenth of October next, on account of illness in his family.

Ordered, That the Honorable Mr. Papineau have leave to bring in a Bill for the better securing the Freedom of Elections, by the use of the Ballot in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.¹

Ordered, That the Honorable Mr. Badgley be added to the Standing Committee on Miscellaneous Private Bills, in the room of the Honorable Mr. Chabot who has vacated his seat.

Ordered, That Mr. Polette be added to the Standing Committee on Miscellaneous Private Bills, in the room of Mr. Prince absent on leave.

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On Motion of Mr. Boulton, seconded by Mr. Lyon,

Ordered, That the 70th and 74th Rules of this House be suspended, in so far as relates to the Bill to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein.

Mr. Christie of Gaspé moved, seconded by Mr. Dubord, and the Question being put, That this House will immediately resolve itself into a Committee, to consider the expediency of rescinding the Order of this House, of the 2nd instant, for adopting the First Report of the Standing Committee on Printing, and of adopting a Resolution declaring that the Journals of the House shall be printed with marginal notes, on paper of the same size, and in the same form as heretofore;²

MR. R. CHRISTIE (Gaspé).--Moved for a Committee of the whole to consider the expediency of rescinding the Order of this House of the 2nd instant, for adopting the first report of the Standing Committee on Printing,--and of adopting a resolution declaring that the Journals of the House shall be printed with marginal notes, on paper of the same size and form as heretofore. He said that the present form of printing for the House was inconvenient, and suggested some alterations.³

MR. MACKENZIE contended that the present form of printing was approved of last Session; and that it was the most convenient; and pointed out, that large margins and notes, were unnecessary, and very expensive.⁴

Motion lost, Yeas 28; Nays 39.⁵

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The House divided; and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Cauchon, Christie of GASPE, Clapham, Dixon, Dubord, Gamble, Lacoste, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lyon, Sir A.N. MacNab, Malloch, Morin, Murney, Papineau, Poulin, Ridout, Robinson, Taché, Turcotte, Valois, Viger, Wright of West Riding of YORK.--(28.)

NAYS.

Messieurs Burnham, Cameron, Cartier, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dumoulin, Fergusson, Fortier, Fournier, Gouin, Hartman, Hincks, Langton, Lemieux, Mackenzie, Marchildon, Mattice, McDougall, Merritt, Morrison, Paige, Patrick, Attorney General Richards, Rolph, Seymour, Shaw, Short, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Stuart, Tessier, White, Willson, Wright of East Riding of YORK, Young.--(39.)

So it passed in the Negative.

Ordered, That Mr. Stuart have leave to bring in a Bill to facilitate the admission in evidence of Foreign Judgments and certain official and other documents, and otherwise to improve the Law of Evidence in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Mackenzie, seconded by Mr. Wright of the East Riding of York,⁶

MR. MACKENZIE moved an address to His Excellency for the following Returns relative to Finance and Education:

1. A statement shewing under the usual heads of receipt and expenditure, the Revenue of Canada and the amount of payment therefrom during the six months ending 31st July last.

2. A statement of the Revenue and Expenditure of the Post Office Department, for the quarter ending in July last.

3. A statement of the expenses incurred for rent and repairs, and for the purchase of Spencer Wood.

4. A statement shewing the heads of expense of the Parliament Buildings, for repairs and improvements made since the Government decided to remove from Toronto to Quebec.

5. A statement in detail of the expenditure incurred in taking the Census of January last.

6. The Blue Book for 1851.

7. A return shewing what security under the provisions of the Statute of Canada, 4 & 5 Victoria, cap. 91, is given by the following officers, viz:--

The Superintendent of Education East.

The Superintendent of Education West.

The Receiver of Fees in the Provincial Secretary's Office; with the particulars of the last mentioned officer's income from all sources, and the authorities for the charges for payments made to him.

8. A statement in detail, shewing what Books, Maps, and other articles for Schools or Teachers, have been purchased and sold by the Superintendent of Education West within the last three years, whether as advertised for sale in his official paper, the Journal of Education, or otherwise offered to the public and to Schools [sic] Teachers, together with the profits thereon, and upon the said Journal; and to what purposes said profits are applied.--Also, shewing in detail the manner in which £2000 granted for School Libraries, and the £2700 for School Architecture and Normal School Contingencies and Student Teachers have been disposed of and applied.

And informing his Excellency, that it would advance the public interests, if the Annual Reports ... [of] the Superintendents of Education, East and West for each year, could be prepared before nine months of the following year had expired; and that this House is anxious to obtain copy of the said Reports for 1851, at as early a date as possible.

The hon. member spoke at some length on the different items in the above resolution.⁷

MR. INSP. GEN. HINCKS made some remarks in reply, saying some of the returns asked for had been furnished and that others would be.⁸

MR. H. SMITH complained that voluminous reports, such as that of the Board of Works were laid before members at an inconvenient period, when they had not time to read them. He thought some fixed period, when parliament was not in session, should be agreed upon, for furnishing members with these reports.⁹

MR. BROWN enquired of the Provincial Secretary if the census returns would be laid before the House at an early period¹⁰.

After some conversation MR. PROV. SEC. MORIN¹¹ replied that it would require six weeks to complete the printing of them¹²; but he would have an abstract of them prepared in a few days¹³ embracing personal information ... relative to religions, creeds, ages, and agricultural standing of the inhabitants.¹⁴ The persons employed upon the returns were very busily employed, and from the nature of their work they could not procure assistance.¹⁵

MR. BROWN said his object in making the enquiry was with the view of suggesting that course.¹⁶

[The Address], having been modified at the instance of MR. INSP. GEN. HINCKS, was agreed to.¹⁷

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, at as early a day in the present Session as possible, the following Returns relative to Finance and Education:--1st. A Statement shewing, under the usual heads of receipt and expenditure, the Revenue of Canada, and the amount of payments therefrom, during the six months ending 31st July last. 2nd. A Statement of the revenue and expenditure of the Post Office Department for the quarter ending in July last. 3rd. A Statement of the expenses incurred for rent and repairs, and for the purchase of Spencer Wood. 4th. A Statement shewing the heads of expense of the Parliament Buildings for repairs and improvements made since the Government decided to remove from Toronto to Quebec. 5th. A Statement of the expenditure incurred in taking the Census of January last. 6th. The Blue Book for 1851.

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7th. A Return shewing what security, under the provisions of the Statute of Canada 4 & 5 Vic. cap. 91, is given by the following Officers, viz.: The Superintendent of Education, East, the Superintendent of Education, West, and the Receiver of Fees in the Provincial Secretary's Office, with the particulars of the last named Officer's income from all sources, and the authorities for the charges for payments made to him. 8th. A Statement in detail, shewing what books, maps, and other articles for Schools or Teachers, have been purchased and sold by the Superintendent of Education, West, within the last three years, whether as advertized for sale in his official paper, the Journal of Education, or otherwise offered to the Public and to School Teachers, together with the profits thereon, and upon the said Journal, and to what purposes said profits are applied; also, shewing in detail the manner in which £2000 granted for School Libraries, and

the £2700 for School Architecture and Normal School contingencies, and Student Teachers, have been disposed of and applied: And informing His Excellency that it would advance the public interests if the Annual Reports of the Superintendents of Education, East and West, for each year, could be prepared before nine months of the following year had expired.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Stuart, seconded by Mr. Boulton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a detailed Statement of the several sums applied to the erection of Light Houses and the establishment and support of Relief Stations and other improvements in the navigation of the Gulf and River St. Lawrence, from Quebec to the Ocean, under the superintendence of the Trinity House of Quebec, and under the authority, orders and direction of the Governor and Council of this Province, out of the sum £19,000 appropriated under the provisions of the 9 Vic. cap. 60, and shewing the balance, if any, remaining to be applied for such purposes.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. LeBlanc have leave to bring in a Bill to change the place of sitting of the Circuit Court in the County of Beauharnois.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Ridout have leave to bring in a Bill to amend the Charter of the City of Toronto Gas Light and Water Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

MR. BOULTON¹⁸ moved for the Appointment of a Select Committee to consist of five members¹⁹ to enquire and report upon²⁰ the best means of remedying the difficulties which have arisen in several Counties in Upper Canada, from the informality of the By-laws of the Municipal Councils, imposing County Rates, and to examine and report upon the course pursued at the various sales of land for Taxes, in the Counties [*sic*] of Peterborough and Ottawa, by the Public Officers of those Counties.²¹ The subject was fully discussed and reported on a former day; and it was evident from statements made on this occasion, that there has been much abuse prevailing in Upper Canada during a number of years with reference to the disposal of private lands for the payment of Taxes²². It was within the knowledge of several members of the House that there had been irregular conduct on the part of some public officers in the counties above mentioned and that lands had been sold in an improper manner, with the connivance of public officers, for their own profit.²³

MR. AT. GEN. RICHARDS said a few words to the effect that the government could not take any action in the absence of specific information.²⁴

MR. INSP. GEN. HINCKS thought it was but justice to the government that specific information should be furnished to them, if as the hon. member said, members of the House were aware of the improper conduct alleged.²⁵

MR. MACKENZIE did not think the charge sufficiently specific to justify the House voting for an inquiry.²⁶

MR. LYON said, that he hoped the member for Toronto would not withdraw his motion. He went into the particulars of two cases where lands had been improperly sold. He mentioned a case, where a Sheriff had actually received the taxes, and afterwards sold the lands, and another where the parties who first purchased repudiated, from design or for some other reason--and the lands were subsequently sold, without proper notice to the public, at prices exceedingly low as to amount to fraud and collusion.--These things should be enquired into. It was for the public benefit they should be investigated, and it was necessary, for the benefit of the parties who were accused that they might be exonerated, if they were innocent.²⁷

MR. BROWN contended it was improper to put persons upon their trial, in the absence of specific information against them.²⁸

MR. H. SMITH (Frontenac) said this was not a question of bringing public officers to justice. The inquiry was wanted to be made into a system, and if improper conduct of public officers came out that would only be incidentally.²⁹

MR. PRES. EX. COUN. CAMERON made a few remarks to the effect that the Government could not take any action upon the matter as it stood; and that hon. gentlemen had proved nothing.³⁰

MR. BADGLEY said a few words which did not reach the reporter's box.³¹

MR. LANGTON did not think it of use to investigate cases so far back as were contemplated; yet he felt inclined to support the motion, and would do so if it were made general.³²

MR. AT. GEN. RICHARDS thought, if any enquiry were made, it should extend to all counties as well as those named.³³

MR. LYON replied generally to the objections raised by the government. He contended that the investigations would lead to good results if they led to the discovery of abuses which might induce a change in the assessment law, and the whole system under which they crept in, and were fostered. And he insisted that the investigation should be made, in order that corrupt officers might be detected and dismissed.³⁴

MR. A. WRIGHT (East York) spoke generally in favour of the motion; and cited instances in which an investigation would be desirable.³⁵

MR. HARTMAN supported the motion also; and urged that it was necessary, for public protection and security hereafter, that the motion be applied by the House.³⁶

MR. PRES. EX. COUN. CAMERON at length agreed to the resolution, and to make it more general.³⁷

It was eventually agreed to adopt the following Resolution, in amendment of the original:--"That a Select Committee be appointed to enquire into the course pursued by Treasurers and Sheriffs, at the various sales of land for taxes in all the Counties of Upper Canada, or any of them, for 1830 to 1851 inclusive; and to report thereon as to any irregularities that have taken place, and suggesting a remedy for the future."³⁸

The committee was finally struck.³⁹

MR. INSP. GEN. HINCKS said, as the motion was being put, that it would involve great expense.⁴⁰

It was carried by the House without a division.⁴¹

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Resolved, That a Select Committee, composed of Mr. Boulton, Mr. Morrison, Mr.

Langton, Mr. Malloch, and Mr. Hartman, be appointed to enquire into and report upon the course pursued by Treasurers and Sheriffs at the various Sales of Land for taxes in all the Counties of Upper Canada, or any of them, from 1830 to 1851 inclusive, and to report thereon as to any irregularities that have taken place, and suggesting a remedy for the future; with the power to send for persons, papers, and records.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to confer Equity Jurisdiction upon the several County Courts in Upper Canada, and for other purposes therein mentioned.⁴²

MR. AT. GEN. RICHARDS introduced a bill to confer Equity Jurisdiction in the several County Courts in Upper Canada⁴³, and stated that one object he had in view was to try the working of the system in the Inferior Courts, and if it was found to succeed, then it could be extended.⁴⁴ The noise in the house prevented all he said from reaching the reporter's box.⁴⁵

MR. MACKENZIE was taken fairly by surprise. He proposed a similar bill last year and the Attorney General objected to it. Wonders would never cease. The Attorney General however proposed to give equity jurisdiction to inferior men instead of to such men as the Chief Justice or Chancellor Blake.⁴⁶ The Bill should at once apply to the Superior Courts.⁴⁷ It mattered not, however, he was glad to see the bill introduced in any shape.⁴⁸

MR. H. SMITH of Frontenac rose to complain of the hon. member for Haldimand, who was the most unreasonable man in Canada. The hon. member surely ought to have perceived that it was highly probable that, as the Honble. Attorney General was with him in some things this year, next year he would be with him in nearly everything. (Laughter.)⁴⁹

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He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That Mr. Street have leave to bring in a Bill to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-Laws for the better government of that part of said Township which lies in the immediate vicinity of the Falls of Niagara.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Laurin moved, seconded by Mr. Cartier, and the Question being proposed, That the payment of the sum of Two hundred pounds, currency, into the hands of the Clerk of this House, by Gédéon Durocher, Esquire, and other Petitioners, against the Return of Antoine Némèse Gouin, Esquire, be declared equivalent to the Recognizance tendered by them, and declared by Mr. Speaker to be objectionable; and that the Election Petition of the said Gédéon Durocher and others, be referred to the General Committee of Elections, and that proceedings be had thereon, in order that justice be done to the parties without regard to the informality aforesaid;⁵⁰

MR. BADGLEY thought the motion was not in order.⁵¹

MR. J.S. MACDONALD the SPEAKER decided that the security was not sufficient.⁵²

MR. AT. GEN. RICHARDS recommended that the matter should be referred to the Committee of Elections to report upon the security &c.⁵³

MR. BADGLEY said, that the decision of the Speaker could not be interfered with by a Committee. The motion was made with a view of reversing a decision of the Speaker and was out of order.⁵⁴

MR. CARTIER, who seconded the resolution said, that if the hon. member for Montreal would refer to the 160[th] clause of the election act, he would see that it permitted the House to entertain the motion now under consideration. He considered [that] the Speaker's objection could not be attributed to the petitioner. It was the magistrates' duty to see that the name was properly written in the Bail Bond. The defect or omission was not one for which the petitioner was responsible. He thought the motion was in order and that the House ought to entertain it.⁵⁵

MR. TURCOTTE spoke against the motion.⁵⁶

MR. AT. GEN. DRUMMOND considered that the speaker's decision took away all further action from the House on the motion, and that the member for St. Maurices' long remarks were hardly necessary. He did not think that any argument could be drawn from the clause in the act which would justify the House in entertaining the motion.⁵⁷

MR. PRES. EX. COUN. CAMERON said that the motion could not now be entertained, but that the general matter should be referred to the Committee on privileges [sic] and elections.⁵⁸

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The Honorable Mr. Cameron moved, seconded by the Honorable Mr. Attorney General Richards, and the Question being put, That the said Motion be referred to the Standing Committee on Privileges and Elections; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cauchon, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dumoulin, Fournier, Hartman, Jobin, Laurin, McDonald of CORNWALL, Mackenzie, Malloch, Morin, Papineau, Attorney General Richards, Rolph, Seymour, Smith of DURHAM, Wright of East Riding of YORK, Young.--(21.)

NAYS.

Messieurs Badgley, Boulton, Burnham, Christie of GASPE, Crawford, Dubord, Fergusson, Fortier, Gamble, Lacoste, Langton, LeBlanc, LeBoutillier, Lemieux, Lyon, Sir A.N. MacNab, Marchildon, McDougall, Merritt, Murney, Paige, Poulin, Ridout, Robinson, Short, Smith of FRONTENAC, Stevenson, Street, Taché, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of West Riding of YORK.--(36.)
So it passed in the Negative.

MR. SMITH thought that had the remarks of the hon. member for St. Maurice been made in English he was sure that there would not have been a dissident on this side of the House.⁵⁹

MR. BOULTON objected. He considered the speaker's decision final.⁶⁰

MR. CAUCHON thought at first that the decision ought to be final; but it appeared that⁶¹ l'erreur dont on parle est une erreur cléricale dont on ne peut rendre le pétitionnaire responsable. L'intention de la loi est de rendre justice à tous et non pas de s'attacher à de misérables chicanes, à des subtilités indignes d'un corps délibératif.⁶² He said there were always irregularities at contested elections.⁶³ Il est absurde de refuser justice au pétitionnaire parce que l'orateur a donné une décision erronée.⁶⁴

MESSRS. LEMIEUX et TESSIER, déclarent que la décision de l'orateur est finale.⁶⁵

MR. LEMIEUX spoke for some time, but from his position to the reporter's box, and speaking in a low town [sic] of voice his arguments were not heard.⁶⁶

Some farther discussion followed after which Mr. Laurin's resolution was rejected.⁶⁷

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And the Question being put, That the payment of the sum of Two hundred pounds, currency, into the hands of the Clerk of this House, by Gédéon Durocher, Esquire, and other Petitioners, against the Return of Antoine Némèse Gouin, Esquire, be declared equivalent to the Recognizance tendered by them, and declared by Mr. Speaker to be objectionable; and that the Election Petition of the said Gédéon Durocher and others, be referred to the General Committee of Elections, and that proceedings be had thereon, in order that justice be done to the parties without regard to the informality aforesaid; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Dumoulin, McDonald of CORNWALL, Attorney General Richards,

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Cauchon, Solicitor General Chauveau, Christie of WENTWORTH, Hartman, Jobin, Laurin, Mackenzie, Morin, Papineau, Wright of East Riding of YORK, Young.--(15.)

NAYS.

Messieurs Badgley, Boulton, Burnham, Christie of GASPE, Crawford, Attorney General Drummond, Dubord, Fergusson, Fortier, Fournier, Gamble, Lacoste, Langton, LeBlanc, LeBoutillier, Lemieux, Lyon, Sir A.N. MacNab, Malloch, Marchildon, McDougall, Merritt, Murney, Paige, Poulin, Ridout, Robinson, Rolph, Short, Smith of DURHAM, Smith of FRONTENAC, Street, Taché, Tessier, Turcotte, Valois, Viger, White, Willson, Wright of West Riding of YORK.--(40.)

So it passed in the Negative.

On motion of Mr. Brown, seconded by Mr. Mattice,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Return of all Lands alienated from the Crown without valuable consideration, since 1st May, 1851, shewing the quantity and locality of each such grant, the names of the parties to whom made, and the object for which it was so made.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Boulton, seconded by Mr. Lyon,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency would be pleased to cause to be laid before this House, a copy of all Instructions founded on the Order in Council of the 14th September instant, relative to the reduction of Dues on Red Pine Timber, and of all subsequent Orders in Council relative thereto, and copies of all Correspondence that has taken place between the Government and parties interested in the Timber Trade since the meeting of Parliament.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Boulton, seconded by Mr. Lyon,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any and every Agreement that was agreed upon or negotiated when the Loan of £1,500,000, or any part thereof was raised, or, if no such agreement is in existence, then information as to what course has been adopted or arrangements made by the Governor, with the advice of His Excellency's Council,

relative thereto; also, copies of all the detailed Statements or accounts of the sums raised under the authority of the Act 6 Vic. cap. 8, and of the Debentures issued, and of dividends and interest paid thereon, and of the Sinking Fund, or of the redemption of the whole or any part of the said debt by means of the Sinking Fund or otherwise.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On Motion of Mr. Fortier, seconded by Mr. Valois,

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause the proper Officer to lay before this House, copies of all Correspondence between the Executive Government of this Province and Dame Louise Josephite Chartier de Lotbinière, wife of the Honorable Robert Unwin Harwood, Seignioress and Proprietress of the Fief and Seigniory of Vaudreuil, in the District of Montreal, or any and all persons acting on behalf of the said Dame Harwood, relating to her application to Our Sovereign Lady the Queen, through His Excellency the Governor General, for a commutation and discharge of the droit de quint, the droit de relief, and other feudal charges due or to become due to Our said Lady the Queen, Her Heirs or Successors, in respect of the said Fief and Seigniory, and that henceforth she may be granted the right of holding the Lands in the said Fief and Seigniory, as well as the Islands forming part thereof, with all and every the rights, appurtenances and dependencies of the said Fief and Seigniory, or in any way thereto belonging, in free and common soccage, as set forth in the Notice published by the said Dame Harwood, dated the 21st February 1852, in the Canada Gazette of the 6th March last, and in all other Notices published since the date last mentioned.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of the Honorable Mr. Morin, seconded by Mr. Solicitor General Chauveau,

Ordered, That the Order of this House of the twenty-eighth instant, referring the Petition of the Municipal Council of the Town of Perth relative to a Canal from the River St. Lawrence to Lake Champlain, to the Standing Committee on Railroads, Canals, and Telegraph Lines, be rescinded.

On motion of Mr. Langton, seconded by Mr. Burnham,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to give directions that there be laid before this House, a Return of the present balance of the Cullers' Fund, and a Statement of the gross receipts and expenses of the Department, and the amounts invested in each year since 1847.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Langton have leave to bring in a Bill to extend the provisions of the Act 12 Vic. cap. 24, to Companies formed for the purpose of improving the navigation of Rivers and Streams in Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the thirteenth of October next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring

in a Bill to amend the Registry Laws of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to simplify and alter the practice, pleadings, and proceedings in the Superior Courts of Law and Equity and County Courts in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Fri-

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day the fifteenth of October next.

Ordered, That Mr. Tessier have leave to bring in a Bill to incorporate the Carouge Pier, Wharf, and Dock Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the sixth of October next.

The Order of the day for the second reading of the Bill to modify the Usury Laws, being read;

Mr. Brown moved, seconded by the Honorable Mr. Young, and the Question being proposed, That the Bill be now read a second time;

And a Debate arising thereupon; 68

MR. BROWN⁶⁹ rose to move the second reading of his bill to modify the Usury Laws. He said: Mr. Speaker, one of the most prominent of human frailties since the beginning of the world, has been a dislike to hear truth, when opposed to our prejudices or interests. We turn away with instinctive repugnance from any enquiry which threatens to show us in the wrong;--and where, unfortunately, this feeling effects the public mind it very often produces no small mischief. There are few subjects to which this tendency of the human mind is much more manifest to the present day, than in regard to the Usury Laws. There is a disposition to stick to old prejudices on this question, in spite of self-evident facts which is truly extraordinary. I trust, however, that in this House, such feelings will be totally discarded, and that each member will come to the consideration of the subject with an earnest desire to seek for and carry out the dictates of truth. Assuredly the topic is well deserving of patient investigation, and our decision upon it will have an important influence on the commercial interests in the country. There was a time when the whole policy of Europe was in favour of trade monopolies. The mechanic arts in cities were in the exclusive hands of close corporations; the sole right of imparting particular commodities was conveyed to individuals; the exportation of many articles was totally forbidden; the mode of manufacturing other articles was fixed and restrained by law; great public enterprises were committed to favoured persons; whole continents were placed under the chartered sway of individual adventurers. But as knowledge became diffused among the people, doubts of the soundness of this policy were excited; the spirit of inquiry got abroad; the fallacy of it was seen and exposed; the system was gradually swept away, and now no man can be found to stand up for the ancient system of monopolies. But one relic remains of this venerable past--but one article is now singled out to be fettered by the law. We may buy and sell Houses, Lands, Ships, Provinces, and manufactures of every kind, how we like, at what price we like, and with what profit we can obtain--but the article of money we must only traffic in as the law directs. And why is money thus set apart from all other commodities? Because, we are told, it stands on a "different footing from everything else"--because it is not a commodity like iron or wood--because it has a fixed price and does not rise and fall in value. We hear these

propositions, sir, urged every day with the utmost confidence, as undoubted truths--and yet more evident fallacies were rarely ever propounded. Let us examine a little into the truth of these assertions. Money is the creation of civilized society. Man, in his primitive condition, exists independently of his fellow. Does he want food?--he procures it by fishing or in the hunt; does he want clothing?--the skin of the animal supplies his every want; does he desire a house? he hews down the tree of the Forest and builds himself a hut. All his wants are within his own reach--he desires nothing from his fellow. But as civilization advances the case is altogether changed. Comforts and luxuries become necessary to him--a division of labour gradually ensues--and an exchange of the products of each man's labour had to be made. One man makes clothing, another makes furniture, a third build[s] ships and so on. But each makes more than he can use, and the surplus he exchanges for the surplus of his neighbour. The shoemaker for instance, wants groceries and he gives shoes in exchange; but the grocer may not need shoes to the value of the groceries required by the shoemaker--so their traffic is stopped. But perhaps, the grocer's clerks may need shoes, and as the grocer has to pay them salary, he may barter more groceries for shoes, and give them in payment to his clerks--but there again the traffic will stop. The grocer or his clerks may, however, want dry-goods, and the dry-goods merchant may want shoes--and the barter may be once more resumed. And so the system might go on extending itself indefinitely. But it is evident that so many exchanges would soon become cumbrous--and indeed history tells us that they did do, and that an absolute necessity arose for the selection of each commodity which would go current with everybody, and be the medium of settling all exchanges. We read that at one time cattle was this medium of exchange; at another, corn; and even to this day, peltries are the medium of exchange in the northern part of this continent. But experience soon showed that some more convenient article of exchange must be found--and metal was fixed upon from its adaptiveness to the purpose. Metal is imperishable, easy of conveyance, easy of division, and kept without expense. The Spartans used iron, and the Russians copper--but the abundance of these metals and the increasing wealth of the world, led to the adoption of gold and silver as the most valuable media of exchange. All this, sir, it will be perceived, came about gradually by force of circumstance--and metal obtained its present position simply because it was the most convenient commodity of exchange. Ah, but says some hon. gentleman--that is all very well, so long as metal was uncoined; but when coined, the case was changed. In what manner was the case altered? At first the metals were exchanged for other wares by weight--so much silver for so much bread or so much cloth; but this was inconvenient--as the quality of the metal and the quantity had to be tested upon each transaction. To meet this, portions of metal were assayed and weighed, and a stamp put on to certify the weight and fineness. At first the stamp was put on the end--but after being stamped, bits of the coin were found to be cut off--and moulded stamps were resorted to for protection against fraud. Convenience alone dictated the coming of the metals; in the same manner as silver-ware, flour, ashes and other commodities are now stamped, as certificate of the quality or quantity of the commodity. And is it not a fact patent to the perceptions of every one, that the stamp on the coin does not fix the value of gold and silver--but that on the contrary, the value of these commodities fluctuates in the market according to the supply and demand, like all other merchandise? Who has not observed the effect on the price of gold of the discoveries in California and Australia? And who fails to see that if the production of the precious metal from these countries goes on, the value of gold as compared with all other commodities will be totally changed? Why, Sir, we have but to look at any of the newspapers of the day and we will see that coin is sold in the market at fluctuating prices like every thing else.

I hold in my hand a file of the New York Evening Post and on turning to the number placed upon it to-day, I find the following quotations of the value of coin. (Mr. Brown here read a long list of the current prices of the various coins in the New York market, and continued:)--These are the present market prices of current coins--but they vary just as the article is scarce or abundant in the market. I have myself sold sovereigns in New York at \$5 90¢.⁷⁰

A MEMBER.--Four-ninety, you mean.⁷¹

MR. BROWN.--No--I mean Five dollars and ninety cents. It was when the Banks suspended specie payments, and gold and silver were scarce and in demand. A paper dollar bill was then only worth Seven York shillings in silver. Money is therefore, Mr. Speaker, a merchantable commodity, subject to the same influences as hardware or broadcloth, and yet it is selected from all its fellows, and the traffic in it placed under penal restrictions. In one country the law declares money to be worth five per cent. yearly--in another six--in another seven--and so on up to twelve per cent. In this country money may be lent for six per cent. and no more; those who take more, forfeit principal and interest, and become subject to a penalty of three times the amount of the principal! And notice the absurdity of this law's operation. You may not lend money at 6 per cent. but you may buy goods with your money and lend them at 60 per cent. (Hear, hear.) You may not give a bond at 7 per cent, but you may make a bond at 6 per cent. and sell it at a discount so as to yield 60 per cent. A man wants to buy a farm and you may not lend him the money to buy it at even six per cent, but you may buy the farm for him and sell it at a price to yield you twelve per cent. (Hear, hear.) A man wants to build a house and if you lend him the money at 6½ per cent you are a criminal--but you may build the house for him and charge him a rent of twenty per cent and be a "respectable man of property." (Hear, hear.) On what principle are laws, so absurd, attempted to be upheld? The argument is two-fold. First, it is said, six per cent is all a man can pay and he must not be allowed to injure himself; and second, it is argued that the usurer will take advantage of the poor man and he must be protected from his rapacity.--That is to say, the borrower must be protected from himself and from his creditors. Now if this argument were sound, why ought it not to be extended to other branches of traffic? why not to provisions, to steam-boat and stage fares, and to exchanges between different localities? Are men not as apt to be deceived in these things as in the borrowing of money? Every one is exposed to imposition in trade--but every one has not to borrow money. Why should all but this one traffic be left to the good sense of mankind? But, in fact, the argument is not good as to any traffic. You say no man can afford to pay over six per cent. Can any third party understand the circumstances of a business man so as to say this? Can he enter into these circumstances better than the man himself? Surely no. And if no man could so well judge of his neighbour's affairs as his neighbour himself--can the law do it? Is the inconvenience of being prevented from borrowing, necessarily a less evil than prodigality? Is there a degree of folly to which the human mind may be reduced (without setting the man aside as incapable to transact business) by which he would be a worse judge of his own interest than the law can be for him? I think not. And as to the public interest, what is the argument? A. is industrious and enterprising, and wishes to employ capital in his business at eight per cent.; the law will not allow him to do so; and why? Because B. is a drone and cannot pay, or does not wish to pay, as much! (Hear, hear.) The principles on which these arguments proceed is [sic] at least doubtful. That the law may interfere and limit the liberty of the subject for the common advantage is unquestionable; but the evil sought to be removed must be very great and the remedy prompt and efficient, to justify the interference.

Now, Mr. Speaker, I contend that an overcharge of interest is not such an evil as to justify penal restriction--that the remedy is far worse than the disease--is in fact no remedy at all but an augmentation of the evil. You cannot stop Usury. You cannot fix the rate of interest at 6 per cent, or any other rate--in spite of laws it will find its level. In England, the legal rate is 5 per cent, and yet the actual rate is $2\frac{1}{2}$; in Canada, the legal rate is 6 and the actual rate 8; in New York, the legal rate is 7 and the actual rate is from 5 to 12 per cent, as money is scarce or plentiful. The law does not affect the rate--except when the current value is above the legal mark, and then it increases it. Suppose we were to pass a law to-night that the legal interest in Canada should be hereafter 4 per cent--would that make people lend their money at that rate? Would everybody acquiesce and the value of money be thereafter just 4 per cent? No one can be silly enough to think so. The money now lent would be called in--it would be embarked in business, or sent abroad for foreign investment--it would make money scarcer than ever, retard enterprise, and raise the rate of usury higher than before. (Hear, hear.) What is the standard value of money? Who can tell? Interest is the nett profit on the employment of capital--and according to the profitable character of the avocations of a people, so will interest be in the country, and so it ought to be. In a new country like this, Mr. Speaker, interest will always be high. We have a large supply of labour but little capital to aid that labour. By applying labour judiciously, the value of the soil is greatly increased, and in every pursuit of life in Canada the wise employment of capital yield[s] a rich return. Merchandise, house property, ships, commerce and speculators of all kinds afford most lucrative returns in this Province. Who can tell the profits of business in Canada? But how can you say what the value of money is until you know the profits from its employment? Look at the enormous increase in the value of real estate annually shown by the official returns. Look at the balance sheet of the Bank of Montreal [of] the other day--showing a nett profit of 11 per cent. on the capital stock. Observe the rapidity with which our merchants accumulate property; one firm in Toronto is said to have realized last year over £20,000. (Hear, hear.) A gentleman came recently to Toronto with £20,000, and declared his desire to invest it so as to yield £2,000 per annum. I am told he invested it even better than this and went to England for the balance of his property. A military gentleman holding large property in and around London, went to England in 1846, and returned recently. He told me that in the six years of his absence, his property had increased in value, I think he said two hundred per cent. (Hear, hear.) A merchant in Toronto told me a few weeks ago, that he would take any sum of money he could get at 8 per cent, and easily and safely invest it at 12. And how much money has the Kingston Loan Company readily disposed of at 8 per cent--with, I am told, many applicants for every pound they have had to sell. These are but examples of the state of affairs in Upper Canada--and it is absurd to suppose that any law could keep down the rate of interest to six per cent. in the face of all this. The law is openly and daily evaded. Every one knows it. I cannot make a mortgage on my property for more than six per cent, but I can make one at six to my friend, and he may sell that mortgage at any necessary discount. I may not make a note and give a larger discount than 6 per cent.--but I may make a note to a second party, and he may shave it with a third party at any rate he pleases. I may not sell money over 6 per cent, but I may sell goods at £100, and buy them back at £75. I may not lend a farmer money to buy flocks above legal interest, but I may lend him sheep and take wool and increase [it] to yield twenty per cent. per annum. I was told some time ago by a gentleman that he had £14,000 lent out at 10 per cent. interest, and he took great credit to himself that he did not charge more. The law is a dead letter except for evil, and everyone knows it. When do we ever hear of a prosecution for usury?

Is that because there is no extortion, no bitter, grinding extortion? Far from it. And when we do hear of a stray suit--is it not ruinous to the reputation of the informer? Is not the man who makes a usurious contract and avails himself of the law to repudiate his bond universally held to be dishonest? Do not juries in such cases give verdicts in direct opposition to the law? You don't carry it out--you cannot carry it out. And what if you could? What if you could put this law perfectly in force and stop every usurious transaction in the country? How many valuable enterprises now going on, would you stop! How much distress would you entail on many persons? The borrower must need money, or he would not borrow--he must have it. If he can borrow at 6, he won't pay 7. The law will not allow him to pay 7--he cannot get it at 6--does that stop the evil? He wants the money still--he must have it. He cannot borrow--he must sell--he sells at a sacrifice and perhaps is ruined. (Hear, hear.) But Mr. Speaker, if the Usury Laws do no good--they do a vast amount of harm. In the first place, they make interest higher to the poor man,--when the market rate of money was 7 per cent, without Usury Laws the lender would get that rate; but with the Usury Laws he must get the market rate, and an additional rate to cover the risk in taking usury. And these laws do a further injury by throwing the money trade into the hands of the most unscrupulous portions of the community. A man of high honour will not break the law deliberately and will not readily acquire the odious character of a "money shaver." Were these foolish laws removed, a different class of men might be dealt with. But another evil of these laws is, that they give a monopoly to the rich at the expense of the poor. A. is a merchant who has goods to sell, but wants money; B. wishes to buy the goods, but needs six months' credit; C. has money and is willing to cash B.'s note--but at the market rate of 8 per cent. The transaction would be beneficial for all three--but the law says no. What follows? B. must carry away his custom from A. who is poor, to some more wealthy firm who can afford to wait six months for their money. Again--a large house is long established in business; a young house competes, and finds it hard to combat against heavy capital and long experience; a friend offers cash at 8 or 9 per cent; by working harder and living cheaper than their competitors, the new men may be able to pay the demand, and still be on a par with all comers. But the law says no--and the rich house gets the trade. And how injurious to enterprise, to the accumulation of wealth are these laws. The carpenter has a number of men at work with hand-tools; by the introduction of machinery he might greatly economise labour and reduce the cost of production; he might borrow the purchase money, and repay it from the savings between hand-labour and machine-labour--but the law will not permit it. The printer might replace the hand-press with the cylinder, and reduce the cost of production by one half--but he must not borrow at market price. The weaver shall not have the power-loom, nor the farmer a reaping machine, unless he can get the money at 6 per cent. Does some hon. gentleman say, they can buy these things on credit? True, sir,--but sweetly they pay for it. Who does not know that on such things as I have named, 10 per cent. discount may be had from the credit price--a heavier price for credit than any usurer can get for his money? It should never be forgotten that many of those who borrow money above legal interest, are forced to do so--and that if they cannot borrow they must sell. Every one knows the fearful sacrifice that takes place when property is sold at [a] Sheriff's sale--and ere refusing the debtor the right to borrow, we should contemplate the alternative we force upon him. But some hon. gentlemen say, and I believe it is the chief objection in this House--all this is very well if we were starting in the world; but there is a state of things now existing; our farmers now owe money--and if we take off the usury laws, they will be at the mercy of the usurer, who will raise the rate enormously and ruin thousands. How so? There is a certain sum of money now in the country to lend--there is a certain demand for that money--

and it commands its value. Call in all that money to-morrow--it must still be lent out again. My bill would not affect the circumstances, there would be the same demand for money as before; there would be at least the same amount to lend as before; it would just bring its value in the market as before--only that the value would be reduced by the removal of the risk in taking over 6 per cent. The usurer can, by the looseness of the existing law, take now any rate of interest he can find parties to pay him--and he is now satisfied; why should he be less satisfied with the present rate after the usury law is modified than he is now? or rather how will he be able to screw out a higher rate than he gets now? But the fact is, the modification of the usury laws will lower the rate of interest--and that is the great argument for the change I urge. A party in England desirous of making an investment asks a London broker as to North American securities. He is told New York State allows 7 per cent. interest, and Canada but 6, on mortgages as well as in commercial transaction. Is this likely to aid us in obtaining capital? But were it known that while that is the law, the actual fact is that money brings at present only 5 or 6 in New York and 7 or 8 in Canada--and that the security is unquestionable--how very different would be the result? The almost immediate effect of the passage of this bill would be to bring into the country a large amount of fresh capital--the supply would exceed the immediate demand--and the rate of interest would go down (hear, hear,) and well the opponents of the bill know this. When a similar measure was before Parliament two years ago, the gentlemen of Lower Canada generally opposed it and they were asked to permit its application at least to Upper Canada. What was the reply of one of the warmest opponents of the bill, who I see now in his seat? "No, we will not do that--for it would drain off the money from Lower Canada and carry it to Upper Canada." He was right, and it will have the same effect to a certain extent on the money market of London and New York and Boston. But, Mr. Speaker, this point of the question is not left to the mere test of theory--the change has been tried elsewhere and found to have the effect practically, which theory promised. In England where the Usury Laws were once most rigorously enforced, they have been gradually modified--until there is less restraint than my bill will still leave here. True, the usury laws yet still apply to land in England--but that arises solely from the aristocratic institutions of the country, which it is thought necessary to uphold at all sacrifices. Here, fortunately, we admit to such necessity, and can place land on the same footing as other property. And, to show how far we are behind England in our views on this question, it is only necessary to read the preamble of the 13th Eliz. chap. 8, modifying the usury laws. It recites that "the prohibitory Act of Edward VI had not done so much good as was hoped for; but that rather the vice of usury hath much more exceedingly abounded." Mr. McCulloch says in his work on Political Economy: "The real effect of all legislative enactments, is to increase, not diminish, the rate of interest." * * * "During the late war, it was not uncommon for a person to be paying 10 or 12 per cent. for a loan, which, had there been no usury laws, he might have got for 6 or 7 per cent." (Mr. Brown read other extracts from the writings of political economists and from the report of a Committee of the British House of Commons to a similar effect.) In France, the Usury Laws were abolished at the Revolution--and though re-established by the code of Napoleon, who ever heard of any injury occurring from their repeal? In Holland the usury Laws have been repealed for half a century and interest ranges from 3 to 5 per cent. In Hamburg there are no usury Laws, yet rarely does interest there exceed 4 or 5 per cent. No man, as a general rule, will pay more than, under all the circumstances, it is his interest to pay--and if he does, the evil will soon rectify itself without the aid of law. One strong argument in favour of an immediate change in these Laws--arises from the effect on the relative prices of commodities being rapidly produced by the gold discoveries in California and Australia. It is very clear that if the produce of the gold mines continue to

increase, the value of all other kinds of property will rise in comparison with that metal. What we borrow now, we will be able to repay cheaply, a few years hence, by the greatly augmented value of the property, our borrowed capital may enable us at present to acquire or produce. (Hear, hear.) But sir, in conclusion--these laws are most prejudicial in a moral light. What is Usury? Interest is a premium on the loan of money; so is usury; and yet you make one honourable and the other a crime! Is this wise? Does it not bring the Law into contempt? And worse than this--while you forbid taking usury as a crime, you make an exception in favour of particular individuals. You allow county bonds to be sold at a ruinous discount--you allow mortgages to be sold at any price--you allow notes to be shaved--you legalize Building Societies with the right to take 12 and 15 per cent--and you have established a Kingston Loan Company with the right to take eight. (Hear, hear.) Can that be right for one man which is wrong in another? Can it be a crime to do that in Toronto which in Kingston is legal and honourable? Could anything tend more to cast reproach upon the Law than such inconsistency? And what a temptation does the system lay the man under, who borrows money at usury. The possibility of getting quit of the debt, or at least of getting an extension of credit, will be ever present to his imagination and affect his attitude towards his creditors; even if it bears no fruit, the very conception is injurious. True, we hear not of many such cases--but how many secretly occur in which the creditor is forced into terms by threats of legal proceedings? Mr. Speaker, I have trespassed too long on the indulgence of the House--but I submit that I have made out a case--that I have proved the Usury Laws to be powerless for good, though fraught with evil--that they afford a pretext for extortion, hold out a bounty on repudiation, and ought to be repealed.⁷²

MR. YOUNG seconded the motion.⁷³

MR. LAURIN (in French) moved an amendment that the bill be read a second time this day six months. He said the effect of the repeal of the usury laws would be, that those persons who had lent money to poor farmers, if they saw they could obtain a higher rate of interest than 6 per cent would force farmers to pay up for that purpose and by that means much distress them.⁷⁴

MR. CAUCHON (in French) spoke at some length in review of the question. He said it was of great importance to the country and every member of the House was bound to give a vote upon it upon his own responsibility. The house was then not full, and he would postpone the debate until Monday. He moved an amendment to that effect.⁷⁵

MR. INSP. GEN. HINCKS had no objection to the adjournment of the debate, if the sense of the House was in favour of doing so; but he had no desire to give a silent vote on the question. It has been before Parliament for many years, and he had never yet given a silent vote on it, for he had always felt it his duty to express his opinion when a bill for the repeal of the Usury laws was under consideration. With regard to this bill he should certainly vote for the second reading without raising any question on points of detail, as he should vote for every bill which proposed a modification of the present system. So far as his own options were concerned, he was, of course, in favour of a total abolition of the Usury Laws. (Hear, hear.) There was no compromise with him on the subject. (Hear, hear.) At the same time he was well aware of the prejudices which some people entertained respecting it, and he was willing to admit the force of their views on many points; but he had no hesitation in saying that the existing system was radically bad. Here he would advert to a vote which he had formerly given, and which was frequently referred to by the member for Haldimand.--A vote in favour of incorporating a certain company with power to loan money at eight per cent. He freely confirmed that he was one of those who voted in favour of that

act of incorporation; and he would at all times be prepared to vindicate his conduct. When the member for Haldimand talked about that bill being smuggled through the House--⁷⁶

MR. MACKENZIE.--So it was.⁷⁷

MR. INSP. GEN. HINCKS.--(With warmth.)⁷⁸ It was not. The hon. member had the proof given to him a few days ago, by the member for Kingston that it was not, and he was astonished that the hon. member should stand up again after hearing that proof and say that the bill was smuggled through the House. If the hon. member would take the trouble to look at the Journals, he would find that the House was full of members when the vote was taken on that bill. He had voted in favour of that bill, and would willingly repeat the vote if there was any occasion for it. And when the member for Haldimand said that it was a monopoly, he would ask to whom was it owing that it was a monopoly? Certainly, the fault could not be thrown on him (Mr. H.) for he was quite willing, and every person who voted for that bill was quite willing, to extend to others the same privilege of loaning money at eight per cent. It is the member for Haldimand, and those who oppose with him the freedom of the money market, who are alone blameable for erecting a monopoly in the country. Allusion had been frequently made to the course pursued by the late Attorney General West, with reference to this question; now, it is well known that that gentleman had on all occasions been opposed to any interference with the Usury Laws, not on the abstract question whether it was right to maintain a law restricting the market value of money to six per cent., but solely from a consideration of the actual state of the country. He argued that there was a great amount of indebtedness in the country, and that if a law were passed allowing money to be rated higher than six per cent., the consequence would be a great deal of suffering as all those who held mortgages at six per cent. would immediately demand an increased rate of interest, and the mortgagers would be compelled to accede to the demand. Well, admitting the force of that argument, it appeared to him (Mr. H.) that the true policy would have been to permit those persons who were introducing new capital into the country to obtain the real value of their money, and, at the same time, to legislate in such a manner as to prevent any risk of incurring those evils which Mr. Baldwin apprehended. He thought that that would have been a wise mode of commencing the modification; and he could not conceive how any person who looks at the actual state of the country could entertain the opinion that some such modification was not necessary. The Legislature have, by several acts, authorized the loaning of money at eight per cent. The Government has borrowed some £50,000, or £60,000 for the Montreal Court House at eight per cent.; and the Port Hope Harbour Company, the Commissioners of Lake St. Peter, the Corporation of Cobourg, and the Railroad Companies, have been authorized to borrow money at eight per cent; and, in view of this fact, is it wise to prevent the public at large from doing so? The Legislature ought to be consistent in its action at all events. If gentlemen are convinced that six per cent. is the exact value of money, they should be consistent, and not allow the Government or Companies to pay a higher rate. As he had already said, he was of opinion that there should be no restriction whatever, for he looked on gold and silver precisely as any other kind of merchandise; but as he was satisfied that it would be impossible to pass a bill through the House for their total abolition, he was willing to accept the bill of the member for Kent. He should not argue upon the details of that bill--all similar bills had been lost hitherto in consequence of the objections made by individual members to particular clauses; but he had never acted on that principle and never should, as he was determined to vote for any bill which proposed a modification of existing laws, leaving it to the Committee of the Whole to put the bill in the best form.⁷⁹

MR. H. SMITH (Frontenac) supported the motion for adjournment, which was carried⁸⁰.

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Ordered, That the Debate be adjourned until Wednesday next, and be then the first Order of the day.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Smith of Frontenac, seconded by Mr. Malloch,
The House adjourned.

[QUESTION AND ANSWER RE: WILLIAM JACKSON, ESQ., AND THE TRUNK RAILWAY.]⁸¹

MR. BROWN enquired of the members of the Administration, why a return had not been made to an address of this House, ordered on the 30th ult., for copies of correspondence between Wm. Jackson, Esq., M.P., and any member of the Provincial Government, on the subject of the Trunk Railway line,--also for a copy of the agreement between Mr. Jackson and the Quebec and Richmond Railway Company, for the completion of that Road.⁸²

MR. PROV. SEC. MORIN said the present motion was another proof of the inconvenience of not letting things alone until they are finished. It was true that an agreement had been entered into but some difficulties had occurred which the Government had not anticipated--of a trivial nature, however; and on the arrival of Mr. Jackson, who was expected on the following day, there would be an understanding; and then the contract would be submitted to the House.⁸³

[WITHDRAWN MOTION RE: TORONTO LUNATIC ASYLUM.]⁸⁴

MR. BOULTON, pursuant to notice, moved for the appointment of a Committee to inquire into the state of the Lunatic Asylum at Toronto, and to report upon the best mode of rendering that institution efficient. He said he had brought the subject under the notice of the Assembly two years ago, and every subsequent year had satisfied him of the necessity for an inquiry into the management of the institution and the conduct of the medical Superintendent. Since that time the Commissioner of Crown Lands had become a member of the Government, and who was well qualified to afford information as to the management of the institution; which certainly does not command the confidence of the public at large. He had no personal motive in calling for this investigation, and only felt the same interest in the subject which every other member must feel. He said he was peculiarly situated, and was called upon as a resident of Toronto, where the opinion very extensively prevails that the Asylum is a nuisance; and he could not remain silent with reference to the subject. It was well known, that in the institution several melancholy deaths had occurred. He was not there, however, to cast imputations; but it was well known that persons belonging to the better classes of society in Upper Canada never avail themselves of the Institution, but take their friends to the United States, where they had been restored to a sound state of mind. While that was the case in the neighbouring Republic, he said, he did not know of one instance of a person who had been sent to the institution at Toronto, having been restored. On the contrary, he believed there are persons there, who, under proper management, could be restored to society, and enjoy intercourse with the world.⁸⁵ Inmates in the Canadian institutions were treated like common felons, to their great injury, and to the prevention of their cure.⁸⁶ Shortly before leaving Toronto, he was informed, by a medical gentleman of well known capacity, that one of the inmates, who was once Mayor of Hamilton, and also a professional man of good standing, and had been accustomed to all the luxuries of life, had become an inmate of the Asylum, who was fed off an iron plate, and who had to use an iron spoon, similar to those used in a Penitentiary. The young man had his lucid intervals, and inquired of this gentleman if his treatment was not cruel in the extreme; and it must be evident, that so long as this mode of treatment is continued, his mind cannot be restored, as he feels sensibly the degradation to which he is subjected. Not only was this the case, but he was much hurt at the medical superintendent having opened a letter for him from his wife, and who had thus made himself acquainted with their private correspondence. He knew a gentleman belonging to Kingston, who had taken a member of his family,

who was similarly afflicted, to the United States, who had returned home, happily restored to her reason, and they were now living happily together. Another young man, whose friends had no confidence in the institution, and who had also been sent away, had returned as sane as ever. The very report which had been recently laid before the House, shows the incompetency of the managers of the institution; who state, that if musical instruments were provided, it would contribute to the restoration of the patients. In the United States, apartments are fitted up in such a manner, that their inmates feel as much at home as is possible, and their minds become soothed and composed. It is the reverse of this in the Asylum at Toronto; and nothing struck him as so remarkable as the difference between that in the institution near this place, which, although of smaller dimensions, is capable of accommodating as many patients, and where there is an evident difference of treatment.⁸⁷ He compared the institution at Beauport near Quebec with that of Toronto, and showed that the number of deaths in the former were greatly less [than] that in the latter.⁸⁸ Mr. B. then alluded to the case of Mr. Welenhall, and of a female, alluded to on former occasions⁸⁹, who, when she was placed in the Asylum, the manager was told that she might kill herself; and it was the chief thing, in her case, to guard against; but although ample provision was afforded in the Asylum for her safe keeping in this respect, her case was neglected and she actually did commit suicide.⁹⁰ [He] went on to mention a case of recent occurrence, where a young man, who was a clerk in one of the banks, ... [had] also lost his life through carelessness, owing to the absence of the medical superintendent; and there is scarcely a paper which is not crying out. Hence, he had been induced to move for the appointment of a Commission to investigate the subject. He was satisfied, that as the member for Norfolk was one of the Government, that they could be advised as to the best mode of proceeding. There are numbers of persons, he said, in Upper Canada who are insane, and who cannot obtain admission. But there should be no cheese-paring; the question to be decided was, shall the present state of things be allowed to continue, or should the insane of Upper Canada be suitably provided for,--of which there are five or six hundred in that section of the Province.⁹¹

MR. INSP. GEN. HINCKS thought that after the announcement in the speech from the throne, that the subject would be brought under consideration by the Government, the member for Toronto might have left them to take the course they intended; and after the measure they proposed to introduce had been submitted, it could then be ascertained whether it was satisfactory or not. The Commissioner of Crown Lands was preparing a measure; and under these circumstances, it would be best to allow Parliament to express an opinion. Should the bill be approved of, he was not sure but a Commission ought to be appointed.⁹²

MR. MACKENZIE said he had visited the Asylum at Toronto repeatedly, and went there very much prejudiced against the institution; but after looking through the different wards, and examining them particularly, he must say, he saw nothing to disapprove of; and was satisfied that all was done that could be wished for on the score of humanity. The principal medical gentleman there is Dr. Widmer, one of the most distinguished members of the profession; he (Mr. M.) afterwards called on him at his house on other business, and asked him his opinion, who expressed himself in favour of the establishment. He saw no necessity for a commission, and thought Dr. Parke should not have been removed; but that was not the question at present. He did not know what were the intentions of the Government on the subject; but the impression that had been made in his mind was favourable.⁹³

MR. RIDOUT stated, that after the announcement made by the Inspector General, the member for Toronto should not press his Resolution, at that particular time. He had done right, however, in bringing the subject forward, and could bear tes-

timony as to the feeling which prevails in relation to the Asylum. He had visited it more than once, and as far as his observation went, he had not seen any cause for finding fault. With reference to what had been alluded to by his colleague, there existed much misconception, although something censurable might have taken place on other occasions. There was evidently wanting to restore public confidence, and when it was taken into consideration that the institution is a Provincial establishment, it ought to be superior in internal arrangement; and another reason why a commission should issue, was the necessity for ascertaining whether more patients might not be accommodated. He thought also that the appointment of a commission would satisfy the public mind and should the measure about to be submitted by the Government not prove satisfactory, he would support the member for Toronto in the renewal of his motion.⁹⁴

MR. BOULTON said, his object in bringing forward the resolution was to compel the Government to do something. True, there was an allusion to the Provincial Asylum in the opening speech, but six weeks had elapsed and no step had been taken. He thought the Government had better allow the resolution to be adopted; because it had already been made apparent that a bill should not pass until the best mode had been ascertained as to the proper mode of proceeding; but if the Inspector General desired it, he would withdraw it.⁹⁵

The resolution was accordingly withdrawn.⁹⁶

1. The following papers noted the introduction of this bill in identical accounts: BRITISH COLONIST, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, BRITISH WHIG, 1 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, and OTTAWA CITIZEN, 9 October 1852. A commentary appeared in LA MINERVE, 2 October 1852, which commented as follows: "Voilà donc M. Papineau qui se décide à faire des lois, sous une constitution vicieuse et monstrueuse, un gouvernement de dérision, de déception, corrompu et corrupteur! Mais il nous semble qu'il avait dit que 'faire des lois en vertu ou sous la protection d'une constitution, c'est accepter tacitement cette constitution comme bonne!' et que 'faire fonctionner le gouvernement responsable accordé par l'acte d'Union, c'était accepter l'Union comme bonne!' M. Papineau prétendait, nous semble-t-il, qu'on devait protester et protester toujours! Eh bien! M. Papineau change donc d'opinion et d'habitude. En résumant les travaux de cette session, nous aurons autre chose qu'un ZERO à mettre à la suite du nom de M. Papineau! c'est bien le moins qu'il présente UNE mesure pendant cinq sessions." A commentary also appeared in GLOBE, 9 October 1852, which suggested that: "There is a much stronger argument in favour of the ballot in Lower Canada than in Upper Canada. The influence of the priesthood here is irresistible and the ballot would foil it to some extent."
2. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, and NORTH AMERICAN WEEKLY, 15, 28 October 1852.
3. QUEBEC GAZETTE, 1 October 1852.
4. IBID.
5. IBID.
6. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 8 October 1852, BRITISH COLONIST, 8 October 1852, and NORTH AMERICAN WEEKLY, 15, 28 October 1852. The debate was also reported by GLOBE, 9 October 1852. The following papers noted the debate in identical accounts: BRITISH COLONIST, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 1 October 1852, PILOT, 1 October 1852, BRITISH WHIG, 1 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, OTTAWA CITIZEN, 9 October 1852, and LA MINERVE, 2 October 1852.
7. MORNING CHRONICLE, 1 October 1852.
8. IBID.
9. IBID.
10. GLOBE, 9 October 1852.
11. MORNING CHRONICLE, 1 October 1852.
12. GLOBE, 9 October 1852.
13. MORNING CHRONICLE, 1 October 1852.
14. GLOBE, 9 October 1852.
15. MORNING CHRONICLE, 1 October 1852.
16. GLOBE, 9 October 1852.
17. IBID.
18. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, and BRITISH COLONIST,

8 October 1852. The debate was also reported by GLOBE, 9 October 1852. The following papers noted the debate in identical accounts: BRITISH COLONIST, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 1 October 1852, PILOT, 1 October 1852, BRITISH WHIG, 1 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, OTTAWA CITIZEN, 9 October 1852, and LA MINERVE, 2 October 1852.

19. MORNING CHRONICLE, 1 October 1852.
20. GLOBE, 9 October 1852.
21. MORNING CHRONICLE, 1 October 1852.
22. GLOBE, 9 October 1852.
23. MORNING CHRONICLE, 1 October 1852.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. GLOBE, 9 October 1852.
39. MORNING CHRONICLE, 1 October 1852.
40. IBID.
41. IBID.
42. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 7 October 1852, BRITISH COLONIST, 8 October 1852, and HAMILTON SPECTATOR WEEKLY, 14 October 1852. The debate was also reported by GLOBE, 9 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH WHIG, 2 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852.
43. MORNING CHRONICLE, 1 October 1852.
44. GLOBE, 9 October 1852.
45. MORNING CHRONICLE, 1 October 1852.
46. IBID.
47. GLOBE, 9 October 1852.
48. MORNING CHRONICLE, 1 October 1852.
49. IBID.
50. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 7 October 1852, BRITISH COLONIST, 8 October 1852, and HAMILTON SPECTATOR WEEKLY, 14 October 1852. The debate was also reported by JOURNAL DE QUEBEC, 2 October 1852, and which also commented as follows on the division of Mr. Speaker on this motion: "L'orateur, avocat nourri dans toutes les niceties (subtilités) qui rendent si célèbres la jurisprudence anglaise, a dans sa décision sacrifié le fonds à la forme, en s'appuyant sur une variance (différence) qui se-

rait rejetée comme futile dans une cour de justice du Bas-Canada, puisqu'il aurait toujours été facile dans le cas de poursuite pour recouvrement du cautionnement, d'identifier la personne de la caution.

J'ai dit plus haut que l'orateur avait trop accordé aux subtilités de la jurisprudence anglaise; mais la vérité me force de déclarer que les avocats du Bas-Canada dans la chambre, qui ont parlé contre la motion, ont disputé la palme avec succès à tous les pettifoggers passés, présents et futurs. Ils ont traité la question comme une question de misnomer dans une action d'assumpsit: oubliant que la chambre, seul tribunal en matière d'élections parlementaires, a le droit d'expliquer et d'interpréter la loi qui règle les élections des représentants du peuple. Que cette loi faite dans l'intention de rendre justice à tous, doit être interprétée, expliquée et surtout appliquée d'une manière large, rationnelle et juste, et non pas d'après les vues étroites des intérêts personnels.

Les débats finis, la chambre s'est divisée et la motion de M. Laurin a été rejetée par 40 contre 15. Ainsi, M. Gouin, nonobstant sa majorité de 1400 votes dans le bourg de Sorel, est et sera le représentant des habitants du comté de Richelieu! Il paraît qu'il s'est passé à cette élection des choses infâmes ... que l'on s'est joué de la manière la plus effrontée de la loi et du serment....On aurait fait voter les morts, les enfants, les femmes, etc., etc. Mais toutes ces belles choses ont été lavées par la décision d'hier au soir qui peut être de la loi, mais de la justice, jamais."

51. MORNING CHRONICLE, 1 October 1852.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. JOURNAL DE QUEBEC, 2 October 1852.
63. MORNING CHRONICLE, 1 October 1852.
64. JOURNAL DE QUEBEC, 2 October 1852.
65. IBID.
66. MORNING CHRONICLE, 1 October 1852.
67. IBID.
68. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 2 October 1852, QUEBEC GAZETTE, 4, 15 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 5 October 1852, HAMILTON SPECTATOR DAILY, 7 October 1852, GLOBE, 9 October 1852, HAMILTON GAZETTE, 11 October 1852 (which copied from MORNING CHRONICLE), EXAMINER, 13 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH WHIG, 2 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852.
69. MORNING CHRONICLE, 2 October 1852, noted that Mr. Brown "spoke for about an hour and a half in support of his motion."
70. GLOBE, 9 October 1852.
71. IBID.
72. IBID.
73. MORNING CHRONICLE, 2 October 1852.

74. IBID.
75. IBID.
76. GLOBE, 9 October 1852.
77. IBID.
78. MORNING CHRONICLE, 2 October 1852.
79. GLOBE, 9 October 1852.
80. IBID.
81. The following papers reported the exchange on this question and answer in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 6 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852. The exchange was also reported by GLOBE, 9 October 1852. The following papers noted the exchange in identical accounts: BRITISH COLONIST, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 1 October 1852, PILOT, 1 October 1852, BRITISH WHIG, 1 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, OTTAWA CITIZEN, 9 October 1852, and LA MINERVE, 2 October 1852.
82. GLOBE, 9 October 1852.
83. IBID.
84. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 1 October 1852, QUEBEC GAZETTE, 1 October 1852, MONTREAL GAZETTE, 4 October 1852, PILOT, 4 October 1852, HAMILTON SPECTATOR DAILY, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, BRITISH COLONIST, 8 October 1852, HAMILTON GAZETTE, 11 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852. The debate was also reported by GLOBE, 9 October 1852. The following papers noted the debate in identical accounts: BRITISH COLONIST, 1 October 1852, MONTREAL GAZETTE, 1 October 1852, HAMILTON SPECTATOR DAILY, 1 October 1852, BRITISH WHIG, 1 October 1852, GLOBE, 2 October 1852, EXAMINER, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, and OTTAWA CITIZEN, 9 October 1852.
85. GLOBE, 9 October 1852.
86. MORNING CHRONICLE, 1 October 1852.
87. GLOBE, 9 October 1852.
88. MORNING CHRONICLE, 1 October 1852.
89. GLOBE, 9 October 1852.
90. MORNING CHRONICLE, 1 October 1852.
91. GLOBE, 9 October 1852.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.

FRIDAY, 1 OCTOBER 1852.

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MR. SPEAKER laid before the House, a Return of the distribution of the Statutes of Canada, 4th Session, 3rd Parliament, 14 & 15 Vic. 1851.

For the said Return, see Appendix (K.K.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Patrick,--The Petition of Levi Grant and others, of the Township of Oxford, County of Grenville; the Petition of Henry Conklin and others, of the County of Grenville; the Petition of L.H. Bellamy and others, of the Township of Augusta; and the Petition of Hiram Adams and others, Land-owners in the eighth Concession of the Township of Edwardsburgh, County of Grenville.

By Mr. Polette,--The Petition of Francois Da Sylva and others, Censitaires of the Seigniorship of Cap de la Magdelaine.

By Mr. Lemieux,--The Petition of the Honorable George Pemberton and others; and the Petition of Hypolite Dubord, of the Parish of Pointe aux Trembles, Esquire.

By Mr. McDougall,--The Petition of the Reverend David Dunkerley and others, on behalf of the Congregational Church, Durham, County of Drummond.

By the Honorable Mr. Merritt,--The Petition of John K. Cook and others, of the Town of St. Catharines.

By Mr. Smith of Durham,--The Petition of William Lyon Mackenzie, Esquire.

By Mr. Street,--The Petition of the President, Directors and Company of the Erie and Ontario Railroad.

By Mr. Stuart,--The Petition of John Sharples, on behalf of the Committee of management of the Congregation of the Catholics of Quebec speaking the English language.

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By Mr. Ridout,--The Petition of H. Jackson and others, Shareholders in the Ontario, Simcoe, and Lake Huron Railroad Company.

By the Honorable Mr. Attorney General Drummond,--The Petition of Leonard Wells, Esquire, and others, of the County of Shefford.

By Mr. Dumoulin,--The Petition of A. Bazin, Esquire, and others, of St. Francois, County of Yamaska.

By Sir Allan N. MacNab,--Two Petitions of the Mayor, Aldermen, and Commonalty of the City of Hamilton.

Ordered, That the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton, relative to a Road Allowance, be now read; and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying that the Petition of James Hamilton and others, Trustees of the late Peter H. Hamilton, Esquire, of the City of Hamilton, for the passing of an Act granting to them in their said capacity a certain part of the Road Allowance between Lots 14 and 15, in the 4th Concession of the Township of Barton, may not be granted.

Ordered, That the Petition of Andrew Hudson and others, of the Township of Tyendinaga, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of the Municipality of the Township of Hamilton be referred to the Select Committee to which was referred the Petition of John K. Roche, of the Town of Port Hope.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Mayor and Councillors of the City of Quebec, for certain amendments to the Acts incorporating that City, and find that no Notice has been published. Your Committee are satisfied, however, from the evidence before them, that the matter has had sufficient publicity, as it has been for a long time under discussion in the City Council, whose proceedings are published in the local papers; and the Bill now proposed to be introduced is a copy of that before Your Honorable House in the Session of 1850; under these circumstances Your Committee would respectfully recommend that the usual Notices be dispensed with.

On the Petitions of John E. Bangs,--and of Frederick A. Cutter and Richard Hutchinson, praying respectively for the passing of an Act to authorize them to practise as Physicians and Surgeons; and the Petition of William Delo and others, for the passing of an Act to regulate the business of Stevedore in the Port of Quebec; Your Committee find that the requisite Notices have not been given.

Mr. Polette reported, from the General Committee of Elections, the Amended Panels.

Ordered, That Mr. Dumoulin have leave to bring in a Bill to establish and ascertain the rights of the Co-proprietors of the Common of St. Antoine de La Baie.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

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Mr. Stuart moved, seconded by Mr. Polette, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a copy of an Instrument under the Great Seal of this Province, bearing date the 7th day of August now last past, purporting to determine and appoint the line best adapted to promote the general interests of the Province, for the construction of a main Trunk Line of Railway throughout the whole length of this Province, with copies of any plans and surveys submitted for the consideration of His Excellency, before such determinations and appointment took place, and more especially in relation to that portion of the said main Trunk Line of Railway extending from "some point on the Eastern frontier of this Province hereafter to be determined upon, to some point hereafter to be fixed in the Parish of St. Joseph, Pointe Levy, opposite or nearly opposite to the City of Quebec;" also, copies of any opinion given by the Law Officers of the Crown respecting the legality of such determination and appointment, and copies of documents and information obtained by His Excellency, whereby it was found impracticable to raise the funds for constructing the said main Trunk Railway, one half on the credit of the Consolidated Revenue Fund of the Province, and the other half by subscriptions made by the Municipal Corporations of this Province; and, generally, all documents and information respecting the premises;¹

MR. STUART a fait motion qu'il soit présentée à Son Excellence le gouverneur-général une adresse demandant copie de différents documents relatifs au chemin de fer d'Halifax, et, entre autres, copie des opinions écrites des officiers en loi de la couronne relativement à la proclamation qui déclare que tel ou tels chemins formant [sic] partie du grand tronc de chemin de fer.²

MR. PROV. SEC. MORIN said if the Law Officers of the Crown were obliged to submit to the Legislature their opinions every time it was asked for, their

independence would be entirely gone. The reference contained in the Resolution to the opinion of the Officers, was the only part to which he objected.³

MR. STUART replied, that with all due deference, he could not agree with the Provincial Secretary on this subject. He thought that under the system of Government which prevails in this Province, the Executive Council and Crown Officers, are so far responsible, that their opinions should be exhibited to the House on all occasions. He did not know why the opinions of any member of the Council should be kept back, unless there were [sic] some particular reason to justify it, which had not been given. With reference to the subject before the House, if sufficient reasons were given, it must dispense with obtaining them; and if it cannot obtain the opinions of the Law Officers of the Crown, a large portion of their responsibility would be removed. The course he had pursued, he considered, was not an unusual one; he apprehended it had been taken on other occasions ... in support of his views⁴. Il cite un précédent de la chambre d'assemblée du Bas-Canada en 1835, par lequel il fait voir que M. Morin était alors d'une opinion toute contraire à celle qu'il soutient aujourd'hui.⁵ The impression on the minds of men, who were as capable of understanding what constituted constitutional rights as any in that House was that the opinion of the Law Officers of the Crown had been given ... [in that] particular case⁶. Il termine en disant que le procureur-général étant un officier du pays, celui-ci a droit de savoir comment cet officier a agi en cette circonstance.⁷ He considered the right of the House was not to be questioned.⁸

MR. INSP. GEN. HINCKS said he was really surprised⁹ de voir un avocat instruit comme l'est M. Stuart soutenir une pareille proposition.¹⁰ [He] had not been aware of the fact, but it was the invariable rule in England, to refuse giving the opinions of the law officers of the Crown, when called for, the Government being responsible for their acts. If there was any thing illegal in the conduct of the Government on the present occasion, they were also responsible for it. The Attorney General, he said, was prepared to take the responsibility of the opinion he had given, and if it was a wrong one, he was answerable for it. He contended that the course pursued by the Government in the present instance, was in conformity with British practice; and doubted whether any such opinion, as was referred to, had ever been given in Lower Canada; but even if it had, it was no precedent; as the present system of Government was not in force in Lower Canada at the time alluded to; and, consequently, the House and Government are now placed in different relations. He did not believe the House would sustain the motion.¹¹

MR. AT. GEN. DRUMMOND est contre la motion; il cite un précédent de la chambre des lords en Angleterre, à l'appui de sa prétention¹². The Attorney General in England, who had been applauded for the course he had taken ... was the sworn officer of the Sovereign, and would not give up his opinion, when called upon by the Imperial Parliament. Of course the Government who resisted an application for such opinion, are responsible for their conduct; and in the case at present under consideration, they were prepared to meet the country. He had not heard any reasonable argument against the action of the Government¹³ [mais] il trouve qu'il est inutile de demander la production de ses opinions, et il ajoute qu'il n'en existe peut-être pas du tout.¹⁴ If all the documents asked for, were placed before the House, they would not find any opinion of the Attorney General, because it was not given in writing, but as a member of the Government.¹⁵

MR. BOULTON said, the Inspector General had stated, that the Attorney General was responsible for his advice, and yet the House could not obtain possession of his opinions. He is a member of the Government, and another member gets up and says there was no opinion given. If the House should sustain the Attorney General

on the present occasion, he could at any time override the law of the land.¹⁶ Si l'on sanctionne cette prétention du gouvernement, il n'y a plus de responsabilité¹⁷. It was a monstrous thing to refuse to lay before the House an opinion of the Attorney General, on the strength of which action had been taken against this Railway Company, after they had laid out a large sum of money; and especially when the Company were in the right, according to the palpable interpretation of an act of parliament.¹⁸ Every requirement of the law had been complied with, and yet when the case was submitted to the Crown Officer, and his opinion had been asked, he had decided that the requirements had not been complied with, and had not allowed the law to go into operation. He concluded that on matters affecting the general policy of the Government, the House would have no right to ask for the opinion of the Attorney General; but where a certificate is required from the Provincial Secretary, that all requirements of the Act have been complied with, and in consequence of a decision of the Government founded on written opinion of the Attorney General, the Secretary says he will not grant the certificate; the principle thus contended for will apply to every railroad Act in the Province.¹⁹ Car, avec une pareille doctrine, il pourrait être donné une opinion contraire à la loi et dans des vues d'intérêts de partis politiques, et il n'y aurait pas de remède.²⁰ He trusted there was sufficient manliness in the House to enable them to act independently.²¹

MR. MACKENZIE est en faveur de la motion.²² [He] said this evil arose from having the Attorneys General in the government at all. Who ever heard of Attorneys General being in the Cabinet in England?²³ There was no instance in English history, of the Attorney and Solicitor General having seats in the Cabinet.²⁴ The gentlemen who were so fond of referring to British practice, were careful not to do so in this case.²⁵ Il trouve ridicule qu'on ne puisse pas savoir les opinions des officiers en loi de la couronne qu'on paye pour les donner, et qui ainsi peuvent agir contre les lois et dans l'intérêt seul de leur parti, sans que le pays puisse y remédier.²⁶ If they do not give an opinion, how is it that we have various opinions from the Law officers of the Crown. The House he considered as the adviser of the Crown, and the Executive Council is only a Committee, the members of which hold their seats by permission of the House. If a railroad law had been passed inconsiderately, and the Inspector General had written a sharp letter to the Colonial Secretary, were they not to correct the error? The House he contended ought to have every information on the subject, and the Government ought not to shrink from giving it.²⁷ The documents should be laid before the House.²⁸

MR. CAUCHON ne concourt pas du tout dans la prétention du gouvernement.²⁹ [He] censured the government for opposing the motion, and contended that the opinions of the Attorneys General should be laid before the House.³⁰ Mr. Cauchon considered the Attorney General as occupying an entirely different position from that of that office in England, and as being directly responsible to the House. Then why did he not come forward, and avow his opinion.³¹ Le ministère rejette le précédent, cité par M. Stuart, mais lui (M. Cauchon) prendra le précédent même cité par M. Drummond. Ce précédent fait voir que l'officier en loi avait répondu que l'opinion qu'il avait donnée au gouvernement n'était plus sa propriété, mais celle de son souverain. C'était donc au souverain qu'il fallait s'adresser.³² In England, the opinion of an Attorney General, may destroy or support a government, which is not the case in this Province; and if that officer does give a true legal opinion, the Government there must suffer by it.³³

MR. AT. GEN. DRUMMOND interrompit M. Cauchon pour dire qu'afin de mettre fin à tous ces discours, il doit informer la chambre que³⁴, at the instance of the Government³⁵, he and his colleague (the Attorney General West) had drawn up the

proclamation, with the greatest care, and after a laborious examination of the acts of Parliament relating to the matter. That proclamation had been submitted³⁶ by the Crown officers to their colleagues and had been adopted by them.³⁷ They had approved of it, and they were prepared to stand or fall by it.³⁸ Le ministre fit lui-même la proclamation en question, la soumit au gouverneur et lui conseilla de l'émettre ... le ministère est responsable de cet acte, et ... la proclamation contient la substance de son opinion, à lui (M. Drummond).³⁹ That should be sufficient for the hon. member, if he were not desirous of raising difficulties for the sake of talking.⁴⁰

MR. CAUCHON, reprenant, dit qu'il rejette la prétention du gouvernement de vouloir lui imposer silence et faire taire les autres membres. Il a droit de parler, et il doit parler, puisqu'il trouve la motion juste. Quant à l'honorable procureur-général, il (M. Cauchon) doit dire que, depuis le commencement de la session, personne n'a plus parlé que lui (M. Drummond), et personne n'a moins fait que lui (M. Drummond).⁴¹ Mr. Cauchon said that the hon. Attorney General should not lose his temper and get into a passion. Members of that house had as good a right to express opinions as the ministry; the chief difference was, that the latter were paid for theirs.⁴² [He] argued that the Attorney General had come forward and stated that he had given opinion; but it was as a member of the Council. If reference was had to what had taken place in relation to the Clergy Reserves, it would be found that opinions had been given sometimes one way and sometimes another; and these had been sent out to the Colony to show that the conduct of the government did not originate in bad motives, but was founded on opinions based on law.⁴³ The hon. member continued to assert the right of the House to express independent opinions⁴⁴. He was convinced the House would be right in asking for the opinions of the Crown Officers.⁴⁵ Pourquoi donc les refuser aujourd'hui pour le chemin de fer d'Halifax?⁴⁶ He did not understand the position in which the Government is placed. The Inspector General says he will not give the opinion of the Attorney General, and that officer says, this is my opinion⁴⁷. Ce qui prouve la diversité d'opinions de ces deux ministres.⁴⁸

MR. INSP. GEN. HINCKS interrompt M. Cauchon en lui disant que, s'il ne voit pas l'accord, c'est qu'il (M. Cauchon) n'est pas capable de la comprendre, ou qu'il ne veut pas la comprendre.⁴⁹

MR. CAUCHON répond que ses motifs sont aussi bons que ceux de l'hon. M. Hincks, qui voudrait faire taire tous ceux qui ne sont pas de son opinion [sic]⁵⁰. The Inspector General should not fancy that his head contained all the intelligence of the House, although he would admit that it contained a good deal⁵¹, mais l'hon. membre devrait en supposer un peu aux autres membres de la chambre.⁵² But there was a kind of cleverness which the Inspector General did not possess, and that was to respect himself.⁵³ M. Cauchon trouve que l'honorable membre compromet sa dignité en voulant abattre quiconque diffère d'avec lui⁵⁴. He would farther tell him, that he very-often playd [sic] the second fiddle to members of the House, although it might appear to the galleries that he did not.⁵⁵ Quoique l'apparence ait pu être différente pour les gens inexpérimentés; [il dit] qu'il (M. Hincks) devrait avoir du respect pour les autres membres, respect que chacun des représentants doit avoir pour ses collègues. Quant à lui (M. Cauchon), il est d'avis que les opinions doivent s'exprimer dans cette chambre librement et avec indépendance, et voilà pourquoi il lui semble que le gouvernement doit donner la sienne, mais en respectant celle des autres.⁵⁶

MR. R. CHRISTIE (de Gaspé) parla contre la motion⁵⁷, [and] made some remarks in his place underneath the gallery, which were entirely inaudible [sic] in the reporter's seat, we understood him to say, however, that he agreed as to the impropriety of the Attorneys General being in the Cabinet; he cited some instances in which their

opinions had been refused; on the present occasion, he supported the Government in the course they were pursuing.⁵⁸

MR. INSP. GEN. HINCKS said the Government were in possession of no opinion of the Attorneys General except as members of the cabinet, and that it would be as reasonable to ask for a private note which he (Mr. H.) might write to his colleagues stating his opinion on any point as for them. The Government were responsible for the proclamation.⁵⁹

MR. PAPINEAU dit que si le gouvernement veut violer et détruire tous les privilèges [*sic*] du peuple, il peut persister dans sa prétention et son opposition à la motion. Il ne trouve pas cette conduite noble, ni digne du ministère.⁶⁰ Mr. Papineau contended that it was incumbent upon the Ministry to give the information sought for. In this position they should not dare to refuse it.⁶¹ The Cabinet could not pretend that the grand inquest of the country, is not clothed with all the power which appertains to it; and when any member is desirous of information, it is for them to prove that giving it would be inconvenient for the public service, before they dare to refuse it.⁶² Pourquoi le gouvernement ne nous dit-il pas qu'il y a une raison d'état qui empêche la production de ces opinions écrites? Nous n'insisterions pas. Mais il n'y a pas une telle raison. Pourtant, selon l'hon. membre (M. Papineau), tout gouvernement honnête devrait s'empresse de faire connaître tous ses pas et démarches. Car le secret ne peut cacher que de mauvais motifs.⁶³ The members of the Government say it is their settled determination, not to give up the opinions of the Crown Officers; and this is done at the first session of a new Parliament, for the purpose of establishing a precedent. He contended that there are no opinions which ought to be withheld; as an Attorney General may give an improper opinion, because he knows he cannot be held responsible to the Legislature.⁶⁴ He, as an independent member of that House, owed it to his constituents to apply for this information, and it should be given by the Government freely and candidly, not denied stealthily and with leary, lest the public should understand their own public affairs.⁶⁵ Il ne doute pas que les opinions des officiers en loi n'aient été consciencieuses [*sic*]. Pourquoi donc en refuser la production? L'état n'est pas intéressé au secret, et si les opinions en question étaient devant la chambre, elle pourrait ou approuver le gouvernement, ou lui donner un vote de non-confiance, selon le cas.⁶⁶ He characterised the conduct of the ministry in refusing the information as arbitrary in the extreme; and without reason or precedent in England or under any free Government.⁶⁷

MR. BADGLEY parle longuement contre la motion, d'un ton si bas qu'il ne peut être entendu à l'extrémité de la chambre.⁶⁸ [He] thought the House could not go far wrong, if they adopted the practice pursued in England, not only by the Government but the House of Commons; and went on to refer at length to the proceedings⁶⁹ in the House of Lords and the House of Commons.... [He] read from debates⁷⁰ of both Houses of Parliament and⁷¹ the opinions of several English statesmen⁷², [and] quoted from a speech of Sir Charles Wetherell in favour of the position assumed by the Government from which, however, it appeared Sir Robert Peel differed, who considered that cases might occur when the opinion of the Attorney General should be submitted to the Legislature. The question therefore seemed to resolve itself into this,--that the House had a right⁷³ for special reasons⁷⁴ in certain cases, to have the opinion of the Crown Law Officers; but only where a case was made out for the production of papers. The present motion called for something more than this; but as he saw nothing to authorize a deviation from the rule of the House of Commons, and as the motion did not come within that rule, he must unwillingly vote against the motion: for he was desirous of obtaining information on the subject referred to.⁷⁵

MR. STUART ajoute quelques mots.⁷⁶ [He] contended, that it would be in defiance of the rules of the House, if the information he sought for were withheld.⁷⁷ Mr. Stuart said it was not admissible to state in the motion, the grounds on which it is made, and which would be contrary to the rules of the House. There is a distinction between the position of the country and in England; here it is one of responsibility, and he (Mr. S.) wanted to ascertain on what grounds the papers were refused.⁷⁸

MR. INSP. GEN. HINCKS replied, that there was a proclamation; and every thing the gentleman desired is contained in that.⁷⁹ [He] here again explained, that the government were responsible as a government, for the proclamation.--The Attorneys General, were responsible to them.⁸⁰ Why not take it up, and not fasten responsibility on the Attorney General. There was no object, he said, to be gained by it.⁸¹

MR. STUART denied that the proclamation gave the information he desired, and that was necessary for the public interests. He wished no more than information⁸² from the Government; and to which he thought the House was entitled. The cases⁸³ cited by the hon. member for Montreal⁸⁴, Mr. Badgley,⁸⁵ did not apply to this case.⁸⁶ [They] are of a different class from those which arise in this country; he asked distinctly to know if the Government refused to produce the papers applied for, and if so what is the reason. For his part, he was at a loss to perceive any for not producing the papers. The subject in which they referred was of internal government, and connected with the internal policy of the country.⁸⁷ They referred to external national affairs: and he cited an authority from the British Parliament in proof of his view. The internal arrangements were different from the external; and what we required was to follow her internal arrangements. What was asked for? Simply information with regard to a railroad from the eastern to the western part of Canada. And what could be more completely an internal concern... [than] that the people should have the fullest information about ... this? He felt that his constituents and the country were deeply interested in getting this information; and that he should not be discharging his duties to them did he not ask for it and insist upon getting it for them.⁸⁸

MR. MERRITT considered this the first occasion⁸⁹, depuis l'existence du gouvernement responsable en ce pays, que cette question de la production des opinions écrites des officiers en loi de la couronne se présente devant la chambre, et que le gouvernement refuse cette production. Les opinions exprimées par MM. Cauchon et Papineau, sont d'un grand poids pour lui. Il demande pourquoi le gouvernement voudrait refuser la production requise.⁹⁰ The subject is one of great importance, and ought to be left with the Executive Council because if public policy was opposed to the production of papers, then they would be denied, but in a case affecting any particular interest, when the opinion of a public officer is asked, the reason should be a sound one for withholding the required information.⁹¹ Il trouve que les officiers en loi sont responsables de leurs opinions écrites; pour lors, il faut que la chambre puisse les connaître, à moins qu'il n'y ait pour le secret une raison d'état, qui n'existe pas dans le cas présent.⁹² He concluded by saying he was opposed to law officers being in the Cabinet.⁹³

MR. AT. GEN. RICHARDS asked if the hon. member⁹⁴ veut retrancher la dernière partie de la motion⁹⁵ [which contained] the words "opinions of the Attorneys General."⁹⁶

MR. STUART would not.⁹⁷

SIR A. MACNAB thought the hon. member had better leave out of his motion the words "opinions of the Attorneys General," as the other documents would be all

that he required, for the reason that the Attorneys General could not be held responsible except as a part of the government.⁹⁸ He was in favour of all of the resolution, except that which referred to the opinions of the Crown Officers, and thought without that, it embraced all that was required. If the hon. member for Quebec gets the proclamation, it is all he could well wish; and if in addition he obtains the opinion of the Crown officers, it would be no advantage. All that members desire is to obtain information which can properly be granted, and on that the whole government can be arraigned. The hon. member must proceed against the whole cabinet; and if their conduct had been improper, a vote of want of confidence might be the result, and the House could deal with the question as it thought proper. He said he would advise him to procure all the information he could, and bring the matter up in some other way; when the members, he trusted, would act in a manner consistent with the dignity of the House.⁹⁹

Motion put and lost.¹⁰⁰

(233)

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Cauchon, Clapham, Dixon, Dabord, Dumoulin, Gamble, Jobin, Mackenzie, Merritt, Murney, Papineau, Polette, Robinson, Stevenson, Stuart, Tessier, Viger, and Wright of West Riding of YORK.--(20.)

NAYS.

Messieurs Badgley, Burnham, Cameron, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Attorney General Drummond, Fergusson, Fortier, Fournier, Hartman, Hincks, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, McDonald of CORNWALL, Sir A.N. MacNab, Marchildon, Mattice, McDougall, Morin, Morrison, Paige, Patrick, Attorney General Richards, Ridout, Rolph, Seymour, Shaw, Short, Smith of DURHAM, Street, Taché, Terrill, Turcotte, White, Willson, Wright of East Riding of YORK, and Young.--(43.)

So it passed in the Negative.

MR. PROV. SEC. MORIN¹⁰¹ moved for leave to introduce a bill to extend the representation of the people of this province in Parliament. He made some remarks in explanation but the greater part of them were inaudible in the reporter's gallery.¹⁰² [He] said he rose to propose a measure which was important in its consequences, and in which the Legislature was immediately concerned. He meant, an increase of the representation of the Province; which, for two reasons was rendered necessary--first, its inadequacy, and, secondly its unequal distribution. As to numbers, it is well known there are thousands of miles in extent requiring a large representation, so that the wants of every portion of the country may be known. As to unequal apportionment, it is well known that such is the fact.¹⁰³ He remarked upon the increase of the population; and said that¹⁰⁴ at the time of the Union, there were large and small counties, the former of which had increased immensely in extent. As to Lower Canada, he said it was well known that some counties had been disunited, and still only one member was given to each county. It had become necessary to change the law, and it was considered that the proper basis should be population. This had always been his opinion, and he formerly had expressed it; and such had been the design of those who had framed the bill which he should submit.¹⁰⁵ Between each section of the province there must be an equality of representation. It had been thought that 120 members would be the proper number, half to be from Upper Canada and half from Lower Canada.¹⁰⁶ In the last bill it was one hundred and fifty, which had been considered as rather large, and had been remedied. In Upper Canada the counties had been already apportioned; and in the division that was made, regard was had to municipal and

judicial purposes, roads, and population.¹⁰⁷ In Lower Canada nothing of the kind had been done, and a new appointment was necessary in framing a representation scheme.¹⁰⁸ In some instances, counties had remained the same for a long time; in other cases they had been divided into two municipalities. In Lower Canada, he said, the limits of the counties had been altered, and in some instances new ones had been created, which he went on to explain at length. A county, containing¹⁰⁹ on average 15000 inhabitants¹¹⁰ [or] from ten to twenty thousand souls, would be entitled to send one member. Counties containing from twenty to thirty-five thousand inhabitants, and averaging thirty thousand, which for various reasons could not be dismembered, would have two members.¹¹¹ At present the average was 30,000 inhabitants to every member of Parliament¹¹². The City of Montreal was to have three members and to the City of Quebec three members had been given.¹¹³ At present¹¹⁴, there were ... places where the population is scattered, and which are not sufficient to have one member; in this case two counties are united, so that both together will have one member¹¹⁵ with the view of equalizing as far as possible the numerical Parliamentary representation of the people of this Province.¹¹⁶ In carrying out the present arrangement, another thing was to be considered, to which public opinion was opposed--he meant the existence of small constituencies. There are in Upper Canada, constituencies which, however respectable, are not entitled to the same representation as those which are five or six times as large.¹¹⁷ He would unite several county towns to make up the requisite population to elect one member¹¹⁸ [as] it had been thought that the best system will be to unite two or more of these townships together. (Much merriment¹¹⁹ [and] laughter.) He saw no reason for laughter it was a natural and he thought proper mode of doing things.¹²⁰ And the same principle would be applied to Lower Canada. He did not mean to destroy the franchise in towns, which differs from that in the country, and which is held by mechanics and others holding the same rank, and who ought to retain the same rights as formerly.¹²¹ There was a great number of mechanics in towns, who unless small towns were united together, to be represented independently of the counties in which they were situated, would not be represented at all. The hon. member made some further explanations¹²² at great length¹²³ of his bill, dwelling particularly on the territorial¹²⁴ subdivision of Lower Canada, the upper section of the Province remaining as it is.¹²⁵

Some conversation [ensued] in which several members expressed their approbation of the bill.¹²⁶

SIR A. MACNAB said he did not rise with a view of objecting to the Bill and if gentlemen had observed a smile on that side of the House, they need not wonder at it, when the coolness is considered, with which the Provincial Secretary strikes out constituencies that at present return members; with one stroke of his pen he subverts the Legislative Council, and with another he abolishes live representatives. That was not the time, he said, to discuss the merits of the bill; but he must say that while the framers of the bill had given three members to Montreal and three to Quebec, that one might have been bestowed upon Toronto. He repeated that was not the time to discuss the bill; everything would depend on the details; and no one would object to the proposed measure, unless it was made the means of maintaining a party in power.¹²⁷

MR. INSP. GEN. HINCKS did not intend to have gone into a discussion on the present occasion. The manner in which the proposal to unite towns had been received, proved that the plan was not understood by hon. gentlemen. In the late bill which was introduced into the Imperial Parliament by Lord John Russell, the same principle was adopted and in Scotland the system had been for a long time in operation and had been found to work very well. Because towns in Upper Canada

returned members at the time of the Union, are they to continue to do so to the exclusion of others. In considering the question of the apportionment of representation, and the difficulties that had arisen from townships containing few inhabitants returning members: it had been thought better to unite those townships which would not be distant from each other. The same principle would be extended to counties; and it was proposed to unite Prescott and Russell, for instance, which together would not be as large as countries [sic] sending only one member to parliament.¹²⁸

MR. BOULTON was surprised, and perhaps was wrong in smiling, when he heard the proposition alluded to of uniting townships, which was altogether new, although it had been introduced by Lord John Russell recently. He said since the discussion commenced, he had taken the trouble to ascertain how many members were in the House who resided in towns, and he found that, out of eighty-four, there were fifty-eight;--and yet no provision was to be made in the bill for towns individually, and a system is to be introduced which would unsettle everything. If the inhabitants of U. Canada were divided off into constituencies of eighteen thousand each, commencing at the western extremity of the Province, there would be no difficulty in adjusting the constituencies to meet the requirements of the country--and charges would not be brought against the Government for acting from improper motives. He concluded by expressing the hope that, when the bill came up, attention would be paid to this suggestion.¹²⁹

MR. INSP. GEN. HINCKS said that there would be no increase of town representation, in reply to a remark of Mr. Robinson, which it was impossible to hear. He was sorry that the opposition to the bill of last session originated in party feeling. If the bill should fail, in the present instance, it would become the duty of Government to make such a change in the representation as would allow the people of the Province to be fairly represented, which they are not at present. (Cheers from the Opposition.)¹³⁰

MR. GAMBLE was not surprised that the Inspector General did not expect to obtain a two-third vote in favour of the bill, as he had not come down with a straight-forward measure. Why should municipal and judicial districts interfere with representation by population? The aggregation of towns, he said, would never answer. Let the Government come forward with a fair and straight-forward measure, and it would receive the support of two-thirds of the members.¹³¹

MR. H. SMITH of Frontenac, said if anything would defeat the Bill, it would be the threat of the Inspector General. By that of last year, two members were given to Glengary, while the county he represented, which had a larger population, was to have but one; the object of which there could be no mistaking. It now appears that if the Bill cannot be carried by a two-thirds vote, the Government will deem it necessary to change the representation. He, (Mr. S.) was satisfied that such conduct would militate against the measure. The Inspector General, he said, had referred to Scotland. There, one or two hundred houses at no great distance from each other, form one constituency; but here it is proposed to unite places which are fifty miles apart, and which have separate interests and feelings that are distinct. He pronounced the scheme to be absurd; and the measure that was proposed would not command public confidence. He would much sooner see the Bill of last session enacted, than that which is now proposed.¹³²

MR. MACKENZIE was pleased with the Bill, because it is indicative of progress, and bases representation on population. It is a much better Bill, he said, than that of last year, and the plan with reference to representation was a vast improvement. The ministry would gain popularity by the course they were pursuing.¹³³

MR. BROWN took the earliest opportunity of expressing his satisfaction with the general outline of this bill; should the details prove unobjectionable, he felt persuaded the measure would give much satisfaction in Upper Canada. Not that the scheme proposed was all that could be desired, or what the country had been led to expect from the present Ministry;--no plan could give entire satisfaction that did not sweep away the distinction between Upper and Lower Canada, and proceed on the one true basis of Representation by population. (Hear, hear.) He felt convinced that the union of the Provinces would never be fairly tested until this was done; the marked distinction kept up between the two divisions, the different systems of legislation, and the rival jealousies fomented between them, prevented that unity of feeling and interest which it was so desirable to establish. But if this could not be carried out in the present house, he was prepared to accept the Ministerial measure. It would remove the unjust system of representation now existing; the large counties would have their fair share; and the Reform party of Upper Canada would be more justly represented. The number of members (120) he thought the best that could be selected. The declaration of the hon. Inspector General that should the bill fail to be carried by a two-thirds vote, the Government would be prepared to re-arrange the constituencies with the present number of members, which they have power to do by a majority vote, was most satisfactory and would be so considered in Upper Canada.¹³⁴

MR. MACKENZIE desired to know whether the single district system would be continued.¹³⁵

MR. INSP. GEN. HINCKS replied, that it was not preserved. Large counties will send two members, as a measure of justice to Middlesex, Wentworth, Brent, and Lanark.¹³⁶

SIR A. MACNAB.--What is to be done with Penetanguishene?¹³⁷

MR. INSP. GEN. HINCKS.--It is not included in the bill. However, he would observe, with regard to Penetanguishene and Slab Town, that these are mere points of detail: and that if the gallant knight would move to add Slab Town to the Hamilton District, he was not prepared to say that the Government would make any objection to it. (Hear, hear and laughter.) With regard to the counties, he would observe, in reference to what fell from the member for Haldimand, that the division of large counties on the single district system, would not be inconsistent with the bill. But it is to be remarked that where counties have been united, for judicial and municipal purposes, there are in many cases very important local interests, and that it would perhaps be inexpedient to effect a total separation in such cases.¹³⁸

MR. CLAPHAM thought it his duty to say ... [that] the Provincial Secretary deserved great credit for the change he proposed to make to the County of Megantic, by uniting in one territorial district the whole population of British origin, who are at the present moment disunited and thrown into different counties.¹³⁹

Leave was then granted, and the bill was introduced, and read a first time.¹⁴⁰

(233)

Ordered, That the Honorable Mr. Morin have leave to bring in a Bill to enlarge the Representation of the People of this Province in Parliament.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the twenty second of October instant.

MR. AT. GEN. DRUMMOND¹⁴¹ asked for leave to bring in a bill to define the rights of seigniors and censitaires in Lower Canada. Without going into details, he proposed to give a general idea of the measure he had the honour to submit to

the House. Gentlemen who occupied seats in the last Parliament would, no doubt, recollect, that a very great deal of attention was given to this subject by a committee appointed by the House, to consider the best mode of removing the evils endured under the seigniorial tenure in Lower Canada. It would also be recollected that, after a very great amount of deliberation, a bill was brought in near the close of the session, to define the rights of seigniors, and there was scarcely a person in the House who did not see the propriety, if not the necessity, of resorting to some measure, with a view to alter or improve the present system, or to place in a clear and well defined position the rights and privileges of seigniors in Lower Canada, or to abolish them entirely. A very strong feeling appeared to exist in the House in favour of a measure of commutation; some were in favour of rendering it compulsory; others were in favour of rendering it compulsory on the seigniors, but optional on the part of censitaires. Differences of opinion undoubtedly existed as to this part of the question, but before any action could be taken on the bill, the House was prorogued. The bill to define the rights of seigniors was, however, carried by a very large majority, although it did not pass into a law. The other bill, the commutation bill, met with a very general approval, but did not come to a vote. The bill now introduced by the Government is, in all its fundamental principles, a combination of these two bills. In the commutation bill, the principle of indemnifying seigniors wherever they seemed to have an equitable right, in consequence of what they called a change in the law, was admitted, and it was also admitted in this bill of the Government. For the purpose of effecting that indemnification, a fund was provided; but the Government did not intend to ask the House to determine the amount; but that that question should be referred to some tribunal competent to investigate all the facts, and decide according to the rules of law. It is intended to establish a commission, which shall be charged with the public duty of estimating the amount for which each farm may be commuted, and also as to the validity of the claim which each seignior may put in. The decision first arrived at, is not, however, to be final. It may be appealed from, by either of the parties interested, or by the Government. These are the general features of the bill but he would also mention that it is proposed to abolish the seigniorial tenure totally, in so far as the unconceded lands are concerned, these lands being granted in future, in free and common socage. The bill will go on to state what rights the seigniors may claim, and then it will proceed to provide for the appointment of commissioners, whose duties he had already referred to. By the bill of last session, it was proposed that three commissioners should be appointed to discharge these duties to each district, but he was persuaded that it was unnecessary to appoint more than one commissioner for each district for the task of ascertaining the amount for which each farm may be commuted, is not so difficult and does not involve such great labour, as those who are unacquainted with the manner of keeping seigniorial books, are apt to imagine. In truth, the establishment by the commission, of the price of one farm, in a range, will be sufficient to establish the rate at which the whole range should be commuted, therefore he conceived that one commissioner will be sufficient for a district; but it is proposed that the three commissioners shall sit together at stated times and places, as a court of appeal to consider the complaints of those persons who consider themselves aggrieved by the decision of one commissioner. He had no hesitation in saying, that the seigniors would be entitled to receive only a very slight indemnity. He believed that every contract made by seigniors in violation of public law,--a law passed for the public good, and for the protection of the inhabitants of the country,--was null and void, but at the same time he did not wish to bring that question into the House, but would leave it to be finally decided by other tribunals. The House also, should not lose sight of the fact, that the judicial tribunals have in many cases, sanctioned these

infractions of the law, and that the Government has raised the rents beyond the prescribed rates; and that a great deal is to be said for these seigniors who have followed the example of the Government, and who conceived that they were justified in doing what the courts of justice had sanctioned. He had already said that a fund will be provided for the purpose of effecting the commutation, it will be taken from the consolidated fund, but an equivalent will be taken from another source, so as to restore the amount to the people of Upper Canada; and on that ground he hoped that no opposition would be made by the gentlemen from that section of the Province. In fact, he could not but recollect with deep feelings of respect, speaking as a Lower Canadian, the attention that was paid to this question, when formerly under discussion by gentlemen from Upper Canada. He was astonished at the readiness with which they made themselves¹⁴² in a very short space of time masters of the subject¹⁴³, and he hoped that hon. gentlemen now on the floor of the House would be prepared to deal with it in an equally frank manner. It is not a question calculated to excite any party or local dissensions, but should be entered on rather as a question for dispassionate adjudication. The task of dealing with it, he confessed, was almost beyond his strength, but he felt confident that he would, with the assistance and counsel of every gentleman in the House be able to do something towards a settlement.¹⁴⁴

MR. BADGLEY was desirous of ascertaining whether or not it was intended to make commutation compulsory upon the seigniors¹⁴⁵ [and he] enquired whether the bill contained a provision for the compulsory commutation of the land at any time.¹⁴⁶

MR. AT. GEN. DRUMMOND replied that it did not. He had on a former occasion expressed a strong opinion on the subject of compulsory commutation. His opinion had not altered since that time, nor had that of any of his colleagues, so that no measure should be introduced which would have the effect of making commutation compulsory on the censitaire but they were unanimously of opinion that commutation should be rendered compulsory, when two-thirds of the censitaires desired that it should be so. He also proposed that the commutation should be rendered compulsory at all times, and in all cases, on the seignior¹⁴⁷ but that any undoubted right possessed by the Seignior would of course be dealt with in a spirit of fairness and justice towards him.¹⁴⁸

MR. BADGLEY was satisfied with the explanation of the Attorney General.¹⁴⁹

Some conversation ensued respecting other points of detail.¹⁵⁰

MR. INSP. GEN. HINCKS explained that some revenues arising from Auctioneers and tavern licenses were to be appropriated to the indemnification of the Seignior.¹⁵¹

Leave was then granted, and the bill was read a first time.¹⁵²

(233)

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the nineteenth instant.

(234)

*On motion of Mr. Stuart, seconded by Mr. Polette,
Resolved, That the time for receiving Petitions for Private Bills, and of bringing in Private Bills, be further extended until Monday the first of November next.*

MR. CAUCHON¹⁵³ moved that the bill to incorporate the Grand Trunk Railway Company, be taken up out of the order for a second reading.¹⁵⁴ The Bill had been printed and distributed, so that members now knew what was afoot.¹⁵⁵

MR. BADGLEY contended that Counsel should be heard at the bar on behalf of the Montreal and Kingston Railway Company.¹⁵⁶

MR. INSP. GEN. HINCKS considered it doubtful whether Counsel should be heard at all, or not--but was willing to concede the point. He contended, however, that objections should be urged before the Rail Road Committee, instead of before the House.¹⁵⁷ He supported the motion.¹⁵⁸

SIR A. MACNAB also supported the motion.¹⁵⁹ [He] contended that the parties had a right to be heard both before the Railway Committee and at the bar of the House.¹⁶⁰

MR. BROWN said that he could not understand why this measure should be taken out of its order.¹⁶¹ [He] opposed the motion, on the ground that the House was not in a position to deal with the question.¹⁶² It turned out, in point of fact, that it was a government measure.¹⁶³ The Inspector General got up and asked the House to agree to the second reading, and allow the bill to go to the Railway Committee; but what was the Railway Committee but the Government itself? The bill emanated from the Railway Committee; and if it were to receive a pro forma reading, and be referred to the Committee again, would that put the House in any better position? Is it any more satisfactory because the gallant knight from Hamilton gets up, and endorses the hon. Inspector General? Why did not the hon. Inspector General send down the documents and papers--necessary to an understanding of this question--which were asked for by address a month ago? The Provincial Secretary said last night that it was not convenient to give them, and yet the Inspector General now comes down, and asks the House, in the absence of all information, to adopt the principle of the bill, and sweep away at one stroke Companies established in good faith by himself--which have complied with the requirements of the law, and are prepared to go on with the work. Was it fair to ask the House to take action on the moment, on this bill, which had scarcely been printed a week, which was scarcely half-way to Upper Canada yet, but which involved a public debt to the extent of millions? It was certainly astonishing to him that the Inspector General should ask the House to take such a step; and he could only express his hope that the motion would not be adopted.¹⁶⁴ He showed that this was just another scene in the drama being played by Mr. Hincks and Mr. Jackson.¹⁶⁵

MR. INSP. GEN. HINCKS said the hon. member for Kent had wasted a great deal of virtuous indignation to very little purpose. There were possibly a dozen railway bills on the order of the day, and he would like to know whether the hon. member intended to ask for delay until the people of Upper Canada had an opportunity of expressing an opinion on each of these bills?¹⁶⁶

MR. BROWN denied that this Bill was similar to other Bills.¹⁶⁷ There was no other bill before the House, which proposed to put at stake such an immense amount of money.¹⁶⁸ It was a Bill that involved the expenditure of millions. And he was astonished to see the member for Hamilton supporting the government in this. This Bill had been taken out of the hands of those who got a former charter; and the public were not satisfied with it.¹⁶⁹ The people of Upper Canada have a perfect right to understand the matter, and have an opportunity of being heard, ere their representatives were asked to pledge them to so large an expenditure.¹⁷⁰ He referred to the underhand manner in which this whole Railway business was being managed [and] denounced the Government for endeavouring to smuggle through a Bill involving millions of public debt in this disreputable manner.¹⁷¹ Would the Inspector General put a mere local railroad of forty or fifty miles, which was to

be built with the money of the people residing on the line of route, in comparison with this immense undertaking which would cost the community millions? And how was it that this important measure was in the hands of a private member? The Government were the real authors of the movement, and they ought to be responsible for it--why do they shirk responsibility in this underhand manner?¹⁷² [He] called upon the Inspector General to assume the ownership of this new movement and come down to the House with a frank explanation of the present position of the question, and the views of the Ministry upon it.¹⁷³

MR. INSP. GEN. HINCKS thought Mr. Brown had wasted a great deal of unnecessary indignation.¹⁷⁴ [He] said that the simple question is whether a company should be incorporated for the purpose of making the Great Trunk Line. Those persons who come before the House, think that they are entitled to receive the same consideration as others.¹⁷⁵ He contended there was no difference of opinion, as to granting this charter. The people between Toronto and Kingston were in favour.¹⁷⁶ For his part, he should think that there ought to be no questions as to the expediency of making the road by means of some Company. Would the member for Kent say that there should be no railway at all? Then came the question as to the line of road; now, there is no difference of opinion as to the route between Kingston and Toronto.¹⁷⁷

MR. BROWN.--Yes, there is.¹⁷⁸

MR. INSP. GEN. HINCKS would tell the hon. member, at all events, that the parties who hold the charter are satisfied.¹⁷⁹

MR. BROWN interposed and intimated that the public were dissatisfied, though the government had managed to control a few individuals.¹⁸⁰ The parties who hold the charter are satisfied because the Government influences them; but the case is very different with the public. The public are to this moment in utter ignorance of what has been done about this road, and the secret wire-pulling that guides it.¹⁸¹ Mr. Brown complained loudly of the secrecy [*sic*] that had been maintained in reference to a matter of such importance, and called upon the House to resist all new scheming, until a full explanation of the past was before them.¹⁸²

MR. INSP. GEN. HINCKS replied in the most plausible strain¹⁸³ [and] said that the hon. member might have his own opinion; he should not attempt to change it. That hon. gentleman had talked about the railway committee being the Government--what did the hon. gentleman mean by such a very vague insinuation. It is perfectly true that the Committee is composed of a majority of the supporters of the Government, but exactly the same state of things existed in the House. If it did not, the Government could not stand for a moment. If the hon. gentleman meant that the question would not be fairly considered by the Committee, he would merely say, that he should be very sorry to hear that it was treated as a party question, and that as a party question it was not fairly investigated. He could not understand how party or political feelings could be supposed to enter into the question, for it must clearly be the interest of all parties to assist in making a good line of road. With regard to the documents to which the member for Kent had referred he must admit that the hon. gentleman had some little ground of complaint; not that he would wish the hon. gentleman to imagine that there was any desire on the part of the Government to keep back the correspondence¹⁸⁴, and ... he had no objection to the production of the correspondence with Mr. Jackson.¹⁸⁵ It should have been sent down long ago, if the whole matter had not escaped his memory in the hurry of business. In fact, all the documents but one had been transmitted to the Provincial Secretary within twenty-four hours after the address passed the House. The expected arrival of Mr. Jackson caused the other paper to be delayed, as the Government desired to consult him but he would pledge himself that the whole of the documents should be sent down on Monday, whether Mr. Jackson arrived or not. In the meantime he hoped that no obstacle would be thrown in the way of the second

reading of the bill, as every person knew that the second reading was merely pro forma, as the documents which had been referred to, had no bearing on the question whatever.¹⁸⁶

MR. BROWN would be glad to know what object could be gained by reading the bill pro forma, and referring it back to the Railroad Committee. It was known to be an emanation from the Committee. Mr. Cartier was the Chairman of the Committee, in absence of Sir Allen Macnab, he had brought the bill before the House, and if it were sent back to the Committee, they would come down with a report recommending its adoption by the House.¹⁸⁷

MESSRS. ROBINSON and SIR A. MACNAB.--The committee never heard of the bill.¹⁸⁸

MR. BROWN was glad to hear it. It showed the necessity for further explanation. It showed that the House was not in a position to go on with the question, until full explanations were given. Until the House was put in possession of the correspondence which had passed between Mr. Jackson and Mr. Hincks, on the faith of which the former came to Canada,--until they knew the terms on which Mr. Jackson had agreed for the Quebec and Richmond Railroad, and now proposed to construct the Trunk Line, and had its advantages compared with the system now in force, they could not with propriety be asked to violate the faith which had been already pledged to citizens of the country, and take the road out of their hands.¹⁸⁹

SIR A. MACNAB did not think it quite fair on the part of the Hon. member for Kent, to allude to him, and say that he was ready to endorse the Inspector General. If he thought it right and proper that the road should be built, he would like to know what objection there could be to his endorsement of any proposition which he believed to be best calculated to effect that object. He must say, that he would wish the member for Kent, with whom he did not agree on all points, to refrain from such insinuations for the future. He had no wish to conceal from the public his desire that the road should be built. He thought that the happy moment had arrived for the commencement of the undertaking, and he was anxious that the present session should not pass away, without that object being secured.¹⁹⁰ He thought the Railway Committee were fairly selected, and the gentlemen from Montreal ought to go before the Committee with their complaints. The people of Upper Canada desired the railway, and the proposition was no new thing to them.¹⁹¹ He did not care, therefore, what side of the House the proposition proceeded from. If it were a good one he should support it, from a conviction that the Province ought to seize upon the present auspicious moment, and that if they did not do so, five or six years might elapse before such another opportunity would present itself.¹⁹²

MR. CAUCHON held that it was important to have the railway made, and (as we understood), he was favorable to the Montreal Company being heard at the bar of the House.¹⁹³ Mr. Cauchon thought that his position towards the ministry ought to be sufficient to force him from the imputation of acting in concert with them. He had made the motion solely from a desire to promote the public good, and because he believed with Sir. A. Macnab, that if the road were not commenced now, years might elapse before it would be undertaken.¹⁹⁴

MR. FOURNIER said a few words which were inaudible from his position.¹⁹⁵

MR. PROV. SEC. MORIN made a few remarks in reply ... to [Mr. Fournier]¹⁹⁶.

MR. TESSIER was also inaudible.¹⁹⁷

MR. YOUNG stated that he was now no longer a member of the government, neither was [he] the chairman of the Montreal and Kingston Railroad Company, and therefore could give an independent opinion on this Bill.¹⁹⁸ [He] desired to say that the bill introduced by the member for Verchères, (Mr. Cartier,) was unjust to the char-

tered Company, in Montreal, and injurious to the public interest.¹⁹⁹ He went on to say that some three years ago, the making of railroads was not so popular as at present. The citizens of Montreal had the credit of being the first to construct railroads²⁰⁰ in the Province ... and²⁰¹ in Canada, and²⁰² [were] the first who had conceived the idea of constructing a Railroad from their own city to the west²⁰³ at a time when doubt and fear hung over the investing of money in railroads. They first constructed the Laprairie and St. Johns road; and about five years ago began and perseveringly continued in a time of great commercial depression, the construction of the St. Lawrence and Atlantic Railroad. They risked in that enterprise large sums of money. Two years ago, the same parties who had been actively engaged in pushing forward railroads, in Canada, held a public meeting in December²⁰⁴ [OR] Oct. 1850,²⁰⁵ in Montreal, at which meeting the hon. Mr. Moffatt, the hon. Mr. Morin, the hon. Mr. McGill, Mr. Galt, Mr. Holton, Mr. Torrance, and others were present, and Resolutions were passed, declaring that the time had come, that a railroad should be constructed between Montreal and Kingston, and from Kingston to Detroit, and thus connect the great west with the east. He (Mr. Y.) stated that this was done at a time when no other action had been taken to commence railroads. At this meeting some £500 was subscribed in a few minutes to defray the expenses of²⁰⁶ surveying a Railroad route between Montreal and Kingston. The survey was made, and a report and maps were published.²⁰⁷ Mr. Gzowski made that survey and he (Mr. Young) held in his hand his report dated Feb. 1851, accompanied by maps. After this, action was taken by the people of Kingston and Toronto; and a survey was made by Mr. Keefer.²⁰⁸ Application was then made to Parliament, and an act of incorporation obtained. The company was then prepared to go on with the road, but the Government stepped in, and said "you shall not go on," at the same time, however, inducing the company to believe that the Halifax and Quebec route would be constructed in connection with their route. On the strength of that belief, the people of Montreal raised²⁰⁹ another sum of £1700²¹⁰ and caused²¹¹ a further²¹² instrumental survey to be made of the line,²¹³ which was also done by Mr. Keefer, Esq. The hon. member went on to state that he, acting for the Company, obtained from the Legislature, a charter to construct the road from Montreal and Kingston. Pending the probability of constructing a road to Halifax--the charter was not to come in force, until the issue of the Proclamation of the Governor General to that effect. The Inspector General went to England last winter and the Montreal and Kingston Company, furnished him with profiles and maps of²¹⁴ the sections of the road, which they had had constructed at a cost of £2200, and which were in reality, the only means of conveying to the contractors in England any accurate information.²¹⁵ He could not have given the necessary information to Mr. Jackson or others ... without [these documents].²¹⁶ Well, what is the result?²¹⁷ On the arrival of Mr. Ross in this country (the Engineer of Mr. Jackson,) profiles, maps, &c., were furnished him by the Company, and their Engineer, Mr. Keefer, gave him every possible information. After this a Proclamation was issued by the Government declaring the Montreal and Kingston Railroad to be a part of the Main Trunk Line.²¹⁸ The contractors came out to this country, and endeavoured to get the road into their own hands, while the Government retains possession of the charts and levels which the Company in Montreal had had executed at their own cost.²¹⁹ He was of opinion since reading the bill now before the House, that injustice and serious injury would be inflicted on the Montreal Company and the public by that Bill; and that it would have been much better not to have given effect to the charter of the Montreal Company; but to have stated at once, that it was the intention of Government to give the construction of the road to Mr. Jackson. He (Mr. Young) was bound to declare, that from the circumstances which have lately taken place, it appeared²²⁰ that they were determined no one but Mr. Jackson should construct this road²²¹ from the first.²²² The question for consideration was whether the House would support the Government?

It is very clear that the road is wanted; the country wants it,²²³ and [it] must be made by somebody--and the question was, who could build the road, quickest and best²²⁴ and with the greatest advantage to the public.²²⁵ He had no hesitation in stating that the parties now acting as Directors of the Montreal and Kingston road, were men who had large experience in the construction of railroads. Messrs. Wm. Molson, Torrance and Galt had for the last five²²⁶ or six²²⁷ years been constant Directors of the Portland road,²²⁸ and he had no hesitation in²²⁹ declaring to ... [the] House²³⁰ that if they could succeed as well as Mr. Jackson, a man who has no interest in this country, in obtaining the confidence of the Government²³¹ the road under their management, could be quickly and well built.²³² They would put fifty miles under contract within a month, and ... they would execute the whole work at a cheaper rate.²³³ The Montreal and Kingston Company had so far done all the work, had spent a large sum of money, and if the Railroad Committee were satisfied that they could build the road, it appeared to him they would do great injustice to deprive them of their charter. Mr. Young here read a part of his report published in 1851, wherein it was recommended to the government to alter the law which required half of the whole road to be completed before the Government guarantee was obtained. At present, all roads are divided into sections of 50 miles, so that when 25 miles were finished the Government guarantee could be obtained for the other 25. By the Bill now before the House, it was provided that so soon as evidence existed of there being £100,000 expended, the Company could obtain £40,000. These alterations gave much greater facilities for building roads than before, and he saw no difficulty in doing so. He (Mr. Y.) thought the Bill before the House very objectionable; but he would defer further remarks on it then. He stated that the Bill authorised the Company to issue shares for £3,500,000 sterling for the construction of the road. This was equal to²³⁴ £12,000²³⁵ [OR] £12,300 per mile. It was true that these shares might not be issued, but the Company had the power to do so. It was also true that the amount spoken of to be given to the Company, was only £3000 sterling. Still the Company have the power to issue shares for £3,500,000, and if so issued the rates of passage and freight would have to be in proportion to the nominal cost of the road.²³⁶ It must be apparent that if the road costs ... a large sum, the charge for travelling must be high in a corresponding degree; and accordingly he found that the²³⁷ rates for passage named in the Bill were 2d. per mile²³⁸ for every first class passenger, a rate far exceeding any²³⁹ present rates in the United States, and the passage from Montreal to Toronto, 340 miles, would be 56s. 8d., whereas at 2½ cents per mile, it would only be 42s. 6d.²⁴⁰ But, if the Montreal Company, could obtain the Government security, he was convinced that they could do it as rapidly as Mr. Jackson, and much more cheaply; for £3000 sterling ought to be sufficient to construct a Railroad on that route superior to any now in use on this continent. He had intended to go into the question fully, but should not detain the House any longer at that moment.²⁴¹

MR. BOULTON had been reading over the general railway Act of last year²⁴². [He] objected to proceeding with the bill, on the ground that the requirements of the statute had not been complied with--and this he showed very clearly was the case²⁴³ [by reading] some clauses from the general railway act requiring certain preliminary steps to be taken before a company could be incorporated.²⁴⁴ He would wish to call attention to the bill and the clauses. They provide that any Company which desires to obtain a special act of incorporation, for the construction of a railroad, shall deposit with the Secretary of the Province, previous to the application to the Legislature, a copy of the Stock-book, showing the number of their subscribers and the actual amount of the subscriptions, and then also show that at least one-fourth of the intended capital has been actually subscribed. The company shall also deposit with the Secretary a certificate of

the Cashier of some chartered bank in the Province of the deposit of a sum equal to ten percent on the amount of the subscriptions. Also, that no bill for a special act for the allowance of a Railroad, shall be received by the Legislature unless there shall be deposited with the clerk of both branches of the Legislature, a certificate from the Secretary of the Province that the Company has complied in all respects with these provisions. Now²⁴⁵ he had inquired ... if those preliminary steps had been taken, and he had learned that they had not.²⁴⁶ He understood from the clerk, that no such certificates have been lodged by the Company, and²⁴⁷ he consequently thought there was no need of discussing the matter further. He put that to the Speaker and the government²⁴⁸ [and] he would ask the Speaker if he intended to allow the House of the Government to proceed with this bill, directly in face of an act of Parliament?²⁴⁹

MR. INSP. GEN. HINCKS had no hesitation in saying that the clauses to which the member for Toronto had referred, are not binding on Parliament. They were not passed by a Convention, nor did not form a part of the Constitutional Act. He did not think this the proper time to consider that point. He had no doubt, it would be urged as an objection by the friends of the Montreal Company, but there were two or three ways of getting over the difficulty. It would be very easy²⁵⁰ [and] competent for the house²⁵¹ to introduce a clause for the purpose of repealing that portion of the General²⁵² railway act.²⁵³

MR. BOULTON.--You cannot do it.²⁵⁴

MR. INSP. GEN. HINCKS saw very clearly that the hon. gentleman wanted to get the House into a legal discussion, but he would tell the hon. gentleman that he had taken a legal opinion on that point, and he felt justified in saying that the House could pursue the course he had pointed out. The question should be very carefully considered for hon. gentlemen would find that not only this bill, but ... every Railroad bill before the House was open to the same objection. Another mode of overcoming the difficulty was to pass a special Act for the repeal of these clauses of the General Act. However, he did not think this the proper time for making the objection. It should have been urged at the introduction of the bill.²⁵⁵

MR. AT. GEN. DRUMMOND said that the act to which the member for Toronto had referred, was one of a very extraordinary character. It was an act to dictate to Parliament, the course which it should on all future occasions adopt. Now, it is quite clear that if the last Parliament possessed the power of passing that act; the existing Parliament possessed the power of repealing it. In his opinion, it did not make much difference whether the clauses alluded to by the member for Toronto were repealed by a special act or by a clause inserted into the bill then before the House. Indeed, it was quite clear that, notwithstanding those clauses, the Legislature had a right to proceed; but he would willingly admit that the bill would be inoperative if the House did not exercise its repealing power.²⁵⁶ [He] admitted that the clause must be repealed before the bill could be passed. But he contended that it was then too late to raise an objection to the reception of the bill before the House, as it had already been received. He thought however that if the objection had been taken when the bill was introduced, the speaker must have rejected it.²⁵⁷

MR. MERRITT looked upon the check as a just retribution on the Government, for introducing that General Act²⁵⁸ at all²⁵⁹ last year.²⁶⁰

MR. INSP. GEN. HINCKS said they did not introduce the bill at all.²⁶¹ The Government had nothing to do with it.²⁶²

MR. MERRITT replied that it had been introduced for the express purpose of doing away with the simple law which had previously existed in Upper Canada, and which authorized any person that pleased to construct a Railroad. The member for Montreal (Mr. Badgley,) the gallant Knight from Hamilton, and the Inspector General, laid their heads together and hit upon this scheme and why? Because there must be but one line of Railroad, and because that line must be put into the hands of a particular set of people. Here is the result.²⁶³ The introduction of that bill and the course of the government upon it showed the value of acts of parliament.²⁶⁴ Here is the proof that the Acts of Parliament of this country are a mere farce; they are passed one session and repealed the next.²⁶⁵ They were ... no protection whatever.²⁶⁶ There will be no safety until the country gets a Constitution, and then the money of the people will be secure.²⁶⁷ With respect to the railway he would prefer that Mr. Jackson should build it.²⁶⁸ He should like to know why the charter is to be taken from the existing company; and he should like to see such a report from the Railway Company, as would not only explain to him why he should vote for this bill, but which would also satisfy him that in voting for it, he would further the interests of the people of Canada.²⁶⁹

SIR A. MACNAB censured Mr. Boulton for taking the exceptions which he had done.²⁷⁰ He was familiar with the General Railway Act, and was fully aware of the import of the fifth and sixth clauses, but he did not know²⁷¹ and ... did not consider²⁷² that our Acts of Parliament are like the laws of the Medes and Persians²⁷³, [things] that could never be altered. The power that made an act of parliament could repeal it.²⁷⁴ What did hon. gentlemen come there for, if it was not to act upon the wisdom which they had acquired during the past year? They passed that general Act in accordance with what they conceived, last year, to be the necessities of the country, but was that any reason, why the Parliament should not repeal that Act now, in order to save all the bills before the House from being thrown overboard?²⁷⁵ He did not believe that the railway operations of the country should be stopped because of the clause read by the hon. member for Toronto.²⁷⁶ He was not surprised at the objection. He felt confident that it would be made by some one and he would suggest that it would, perhaps, be better to introduce a short bill to suspend or repeal²⁷⁷ the clauses which the hon. member had read²⁷⁸, the clauses on which that objection was founded. Did the hon. member for Toronto wish to break down all the bills before Parliament?²⁷⁹

MR. BOULTON wished the Parliament to keep faith with the public.²⁸⁰

SIR A. MACNAB did not believe that they would be charged with breaking faith by furthering the course he pointed out; nor did he believe that the public would thank the House for refusing to repeal the Act of last session.²⁸¹

MR. AT. GEN. RICHARDS in a low tone of voice read from a book on constitutional law²⁸² [and] Parliamentary practice²⁸³, the name of which we did not hear,²⁸⁴ for the purpose of showing that no vote of any Parliament can be binding on that which follows.²⁸⁵ The book he said should be of some authority.²⁸⁶ He held that this Parliament has, therefore, a perfect right to amend or repeal the Act of 1851, and he thought that the course suggested by the gallant Knight was, perhaps, the best that could be adopted.²⁸⁷

MR. BADGLEY spoke in a low tone of voice and contended, (as we understood,) that the bill before the House could not be passed before the clause, read by Mr. Boulton, was repealed or suspended.²⁸⁸ Mr. Badgley said it was useless to waste time in the discussion of this bill, as it would certainly be rejected by the Imperial Government even though it passed the three branches of the Provincial legislature. The only way of getting out of the difficulty was to follow the

advice given by Sir A.N. MacNab. He defied the Legislature to pass this Bill while the General Act stood unrepealed on the Statute Book.²⁸⁹

MR. BOULTON said that the remarks of the gallant Knight with regard to him, were calculated to injure him in his constituency, by conveying the idea, without just grounds, of his opposing railway improvements; whereas, his intention was to prevent the violation of an express act of Parliament.²⁹⁰ Mr. Boulton humbly conceived that the Legislature of this country ought to be carried on according to Law; and if, on reference to the statutes, he found that they were violating the law, he conceived it to be his duty, he conceived it to be the duty of the Attorneys General, for they were paid for the discharge of that duty, to point out the facts and set the House right. If the Government chose to assume the responsibility of repealing the Act of last session, let them do so; but he would not sit in the House, and witness a palpable violation of acts of Parliament without opening his protest.²⁹¹ He said, emphatically, that it was the duty of the Attorneys General to see acts passed legally, that if anything proves more than another, that we are without a proper Government, it is this business. Here is Parliament called upon on one day to pass an Act, and next day it is called upon to repeal or to violate it. The Inspector General had stated, last year, that if we went on with reckless legislation of this kind, it would ruin our credit in England, and here he is doing more than he ever condemned. No free country on the face of the earth was so grossly and outrageously governed. An Act is passed, and a company is organised under it, and stock is even subscribed and partly paid for; and then the whole is set at naught, because the Inspector General enters into some arrangements that we know nothing of, with a Mr. Jackson and Mr. Peto that we know as little about. Who can have confidence in, or respect for, this country's Government or Legislature, if these things are done?²⁹²

SIR A. MACNAB stated his readiness to assume the responsibility of repealing the Act, for the purpose of saving the bills before the House. It was a fatal objection. The House had an Act of Parliament staring it in the face, and it was as much bound by that Act as the meanest felon in the land.²⁹³

MR. CAUCHON said that in consequence of the objections which had been raised, he would withdraw his motion.²⁹⁴

MR. STUART desired to see the Government assume the responsibility of this measure, as it involved interests of great importance.²⁹⁵ [He] believed the clause of the railway act should be repealed before the motion could be passed.²⁹⁶

No objection being made, the motion was then withdrawn.²⁹⁷

MR. AT. GEN. DRUMMOND²⁹⁸ proposed to read a repeal bill then and there.²⁹⁹ [He] asked for leave to introduce a bill to suspend the clause of the general railway act, and to suspend the rule of the House requiring notice.³⁰⁰

MR. BROWN objected that it could not be done³⁰¹ without notice.³⁰²

MR. J.S. MACDONALD the SPEAKER said it could only be done by the unanimous consent of the House.³⁰³

MR. BROWN objected. He thought that a question of such importance should not be introduced without notice. He should object most decidedly to the introduction, in that summary manner, of a bill for the repeal of those clauses which were intended to protect the interests of the whole country.³⁰⁴

MR. SMITH reminded the House, that some few years ago, the rules of the House were suspended one night, and a bill introduced, and read three times, within the course of a few minutes. He thought that if ever there was an emergency which

would warrant the suspension of the rules, it was the present, and if the Attorney General would ask the House to suspend every rule, they might pass the bill at once.³⁰⁵

MR. GAMBLE should protest against such a proceeding. That was the very kind of legislation that has shaken the confidence of the people in the Parliament, and in the Government.³⁰⁶ He asked why the government had not themselves assumed the responsibility of the bill which had just been withdrawn. It was theirs to all intents and purposes. They ought to have known the clauses of the act which prevented the introduction, and it was disreputable to attempt to override them. If it were³⁰⁷ absolutely necessary that³⁰⁸ those clauses³⁰⁹ should be repealed³¹⁰, for general purposes³¹¹, he was willing that it should be done, but with all the solemnity which such an act required.³¹²

SIR A. MACNAB said it would do well for hon. gentlemen to be perfectly clear that they were right. They ought to know that there was no necessity for the Government to give notice previous to the introduction of a bill.³¹³ Theirs was a different kind of responsibility.³¹⁴

A voice said show your authority.³¹⁵

MR. J.S. MACDONALD the SPEAKER decided that the bill could not be introduced if any one member raised an objection.³¹⁶

A MEMBER.--They are in the habit of giving notice.³¹⁷

MR. BOULTON said the Government did give notice of a bill.³¹⁸

SIR A. MACNAB.--Then they are in the habit of doing wrong.³¹⁹

MR. BOULTON objected. He did not see any necessity for indecent haste.³²⁰

MR. INSP. GEN. HINCKS was at once on his feet to entreat the hon. member for Kent [Mr. Brown] not to retard the public business.³²¹ [He] hoped that the member for Kent would not persist in his objection. It would not help his position in the least, to set himself against the almost unanimous wish of the House; whilst he might succeed in doing what he would regret before he was a week older. The hon. gentleman was himself interested in a road from Guelph to Sarnia which would be stopped.³²²

MR. AT. GEN. DRUMMOND, the hon. Attorney General East was equally eloquent.³²³

MR. BROWN said his only object was to protect the public interests. It was most indecent to ask the House to legislate in this manner for the destruction of companies legally established and already in operation, without one word of explanation as to the object.³²⁴ [He] understood perfectly the appeal made by the Inspector General. Had it been any thing in which he, (Mr. B.) was interested, there would have been precious little anxiety to repeal an Act of Parliament. However, if the³²⁵ Attorney General³²⁶ would promise not to read the bill a second time tonight, but defer its further progress for a few days³²⁷ [OR] to Monday, when the papers would be on the table, and the matter more fully inquired into, he would consent to withdraw his objection³²⁸ to its introduction³²⁹, but not otherwise.³³⁰

Some further conversation [ensued]³³¹.

MR. INSP. GEN. HINCKS stated that the arrangements which he made with Mr. Jackson in England had nothing whatever to do with the railroad in question, and he repeated what he had said before, that all the papers should come down on Monday³³².

MESSRS. ATS. GEN. RICHARDS and DRUMMOND.--It will only be read a first time.³³³

Leave was then granted, and the bill was introduced, and read a first time.³³⁴

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Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to repeal the fifth and sixth Sections of "The Railway Clauses Consolidation Act;" and that the Rules of this House be suspended as regards the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Order of the day for the second reading of the Bill further to extend the time limited for certain purposes by the Montreal Registry Act, being read;

The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to repeal the Acts therein mentioned, and to improve the Law of Evidence in Upper Canada, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be recommitted to a Committee of the whole House, for the purpose of adding the words "and the said Acts shall be held and construed to extend to all Actions commenced between the thirtieth day of August, in the year of our Lord one thousand eight hundred and fifty-one, and the passing hereof" at the end of the twelfth Clause thereof.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to authorize the Town of Dundas to grant its security to the Great Western Railroad Company on behalf of the Desjardins Canal Company, for certain improvements on the said Canal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to amend the several Acts incorporating the Company of Proprietors of the Champlain and St. Lawrence Railroad, and for other purposes; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Fournier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Fournier reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Tuesday next.

The Order of the day for the third reading of the Bill to amend the Act providing for the summary trial of Small Causes in Lower Canada, being read;

The Bill was accordingly read the third time.

Resolved, That the Bill do pass; and the Title be, "An Act to amend the Act

providing for the summary decision of Small Causes in Lower Canada."

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Ordered, That Mr. Laurin do carry the Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. Boulton, seconded by the Honorable Mr. Robinson,

The Order of the day for the second reading of the Bill to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein, being read;

The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

The House, according to Order, resolved itself into a Committee on the Bill for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Brown reported, That the Committee had gone through the Bill, and directed him to report the same, without any amendment.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Attorney General Richards, seconded by Mr. Christie of Wentworth,

The House adjourned until Monday next.

APPENDIX: 1 OCTOBER 1852.

[NOTICE OF MOTION RE: PUBLIC REVENUE DEPOSIT.]

MR. MACKENZIE [gave notice that he would move for a] resolution--That the present practice of depositing the Public Revenue in one Chartered Bank, operates to the injury of the Commercial and Agricultural interests of the Country.³³⁵

[NOTICE OF MOTION RE: ELECTIONS OF CHURCH WARDENS IN QUEBEC CITY.]

MR. DUBORD [gave notice that he would introduce a] Bill to regulate the Elections of Church wardens for the Parish of Notre Dame de Quebec, of the Parish of St. Roch de Quebec, and of the Parish of St. Jean Baptiste of the Quebec Suburbs.³³⁶

[NOTICE OF MOTION RE: BRITISH NORTH AMERICAN TELEGRAPH ASSOCIATION.]

MR. STUART [gave notice that he would introduce a] Bill to amend the Act of Incorporation of the British North American Telegraph Association.³³⁷

FOOTNOTES: 1 OCTOBER 1852.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 2, 4 October 1852, QUEBEC GAZETTE, 4 October 1852, MONTREAL GAZETTE, 5 October 1852, PILOT, 5, 6 October 1852, HAMILTON SPECTATOR DAILY, 7, 9 October 1852, BRITISH COLONIST, 8 October 1852, EXAMINER, 13 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by: GLOBE, 9 October 1852; JOURNAL DE QUEBEC, 2 October 1852; and LA MINERVE, 5 October 1852. The following papers noted the debate in identical accounts: GLOBE, 2 October 1852, HAMILTON SPECTATOR DAILY, 2 October 1852, BRITISH WHIG, 2 October 1852, EXAMINER, 6 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852 (which misdated its account as 30 September 1852), and HAMILTON SPECTATOR WEEKLY, 7 October 1852; HAMILTON SPECTATOR DAILY, 4 October 1852, GLOBE, 5 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852 (in a separate account), and HAMILTON SPECTATOR WEEKLY, 7 October 1852 (in a separate account). A commentary appeared in GLOBE, 9 October 1852 (in a separate account).
2. JOURNAL DE QUEBEC, 2 October 1852.
3. GLOBE, 9 October 1852.
4. IBID.
5. JOURNAL DE QUEBEC, 2 October 1852.
6. GLOBE, 9 October 1852.
7. JOURNAL DE QUEBEC, 2 October 1852.
8. GLOBE, 9 October 1852.
9. IBID.
10. JOURNAL DE QUEBEC, 2 October 1852.
11. GLOBE, 9 October 1852.
12. JOURNAL DE QUEBEC, 2 October 1852.
13. GLOBE, 9 October 1852.
14. JOURNAL DE QUEBEC, 2 October 1852.
15. GLOBE, 9 October 1852.
16. IBID.
17. JOURNAL DE QUEBEC, 2 October 1852.
18. QUEBEC GAZETTE, 4 October 1852.
19. GLOBE, 9 October 1852.
20. JOURNAL DE QUEBEC, 2 October 1852.
21. GLOBE, 9 October 1852.
22. JOURNAL DE QUEBEC, 2 October 1852.
23. QUEBEC GAZETTE, 4 October 1852.
24. GLOBE, 9 October 1852.
25. QUEBEC GAZETTE, 4 October 1852.
26. JOURNAL DE QUEBEC, 2 October 1852.
27. GLOBE, 9 October 1852.
28. QUEBEC GAZETTE, 4 October 1852.
29. JOURNAL DE QUEBEC, 2 October 1852.
30. QUEBEC GAZETTE, 4 October 1852.
31. GLOBE, 9 October 1852.
32. JOURNAL DE QUEBEC, 2 October 1852.
33. GLOBE, 9 October 1852.
34. JOURNAL DE QUEBEC, 2 October 1852.
35. GLOBE, 9 October 1852.
36. QUEBEC GAZETTE, 4 October 1852.
37. GLOBE, 9 October 1852.
38. QUEBEC GAZETTE, 4 October 1852.
39. JOURNAL DE QUEBEC, 2 October 1852.
40. QUEBEC GAZETTE, 4 October 1852.

41. JOURNAL DE QUEBEC, 2 October 1852.
42. QUEBEC GAZETTE, 4 October 1852.
43. GLOBE, 9 October 1852.
44. QUEBEC GAZETTE, 4 October 1852.
45. GLOBE, 9 October 1852.
46. JOURNAL DE QUEBEC, 2 October 1852.
47. GLOBE, 9 October 1852.
48. JOURNAL DE QUEBEC, 2 October 1852.
49. JOURNAL DE QUEBEC, 2 October 1852. QUEBEC GAZETTE, 4 October 1852, noted that
"an interpellation ... [came from] Mr. Hincks which we did not hear."
50. JOURNAL DE QUEBEC, 2 October 1852.
51. QUEBEC GAZETTE, 4 October 1852.
52. JOURNAL DE QUEBEC, 2 October 1852.
53. QUEBEC GAZETTE, 4 October 1852.
54. JOURNAL DE QUEBEC, 2 October 1852.
55. QUEBEC GAZETTE, 4 October 1852.
56. JOURNAL DE QUEBEC, 2 October 1852.
57. IBID.
58. GLOBE, 9 October 1852.
59. QUEBEC GAZETTE, 4 October 1852.
60. JOURNAL DE QUEBEC, 2 October 1852.
61. QUEBEC GAZETTE, 4 October 1852.
62. GLOBE, 9 October 1852.
63. JOURNAL DE QUEBEC, 2 October 1852.
64. GLOBE, 9 October 1852.
65. QUEBEC GAZETTE, 4 October 1852.
66. JOURNAL DE QUEBEC, 2 October 1852.
67. QUEBEC GAZETTE, 4 October 1852.
68. JOURNAL DE QUEBEC, 2 October 1852.
69. GLOBE, 9 October 1852.
70. QUEBEC GAZETTE, 4 October 1852.
71. GLOBE, 9 October 1852.
72. QUEBEC GAZETTE, 4 October 1852.
73. GLOBE, 9 October 1852.
74. QUEBEC GAZETTE, 4 October 1852.
75. GLOBE, 9 October 1852.
76. JOURNAL DE QUEBEC, 2 October 1852.
77. MORNING CHRONICLE, 2 October 1852.
78. GLOBE, 9 October 1852.
79. IBID.
80. MORNING CHRONICLE, 2 October 1852.
81. GLOBE, 9 October 1852.
82. MORNING CHRONICLE, 2 October 1852.
83. GLOBE, 9 October 1852.
84. MORNING CHRONICLE, 2 October 1852.
85. GLOBE, 9 October 1852.
86. MORNING CHRONICLE, 2 October 1852.
87. GLOBE, 9 October 1852.
88. MORNING CHRONICLE, 2 October 1852.
89. GLOBE, 9 October 1852.
90. JOURNAL DE QUEBEC, 2 October 1852.
91. GLOBE, 9 October 1852.
92. JOURNAL DE QUEBEC, 2 October 1852.
93. GLOBE, 9 October 1852.
94. MORNING CHRONICLE, 2 October 1852.

95. JOURNAL DE QUEBEC, 2 October 1852.
96. MORNING CHRONICLE, 2 October 1852.
97. IBID.
98. IBID.
99. GLOBE, 9 October 1852.
100. MORNING CHRONICLE, 2 October 1852.
101. The following papers reported the debate on this matter in identical accounts: GLOBE, 9 October 1852, and BRITISH WHIG, 13 October 1852. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 2 October 1852, QUEBEC GAZETTE, 4 October 1852, PILOT, 5 October 1852, MONTREAL GAZETTE, 5 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, BRITISH COLONIST, 8 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, and EXAMINER, 13 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 2 October 1852, GLOBE, 2 October 1852, BRITISH WHIG, 2 October 1852, EXAMINER, 6 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852 (which misdated its account as 30 September 1852), and HAMILTON SPECTATOR WEEKLY, 7 October 1852. Commentaries appeared in GLOBE, 9 October 1852 (in a separate account); and LA MINERVE, 5 October 1852.
102. MORNING CHRONICLE, 2 October 1852.
103. GLOBE, 9 October 1852.
104. MORNING CHRONICLE, 2 October 1852.
105. GLOBE, 9 October 1852.
106. MORNING CHRONICLE, 2 October 1852.
107. GLOBE, 9 October 1852.
108. MORNING CHRONICLE, 2 October 1852.
109. GLOBE, 9 October 1852.
110. MORNING CHRONICLE, 2 October 1852.
111. GLOBE, 9 October 1852.
112. MORNING CHRONICLE, 2 October 1852.
113. GLOBE, 9 October 1852.
114. MORNING CHRONICLE, 2 October 1852.
115. GLOBE, 9 October 1852.
116. MORNING CHRONICLE, 2 October 1852.
117. GLOBE, 9 October 1852.
118. MORNING CHRONICLE, 2 October 1852.
119. GLOBE, 9 October 1852.
120. MORNING CHRONICLE, 2 October 1852.
121. GLOBE, 9 October 1852.
122. MORNING CHRONICLE, 2 October 1852.
123. GLOBE, 9 October 1852.
124. MORNING CHRONICLE, 2 October 1852.
125. GLOBE, 9 October 1852.
126. MORNING CHRONICLE, 2 October 1852.
127. GLOBE, 9 October 1852.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.
136. IBID.
137. IBID.

138. IBID.
139. IBID.
140. IBID.
141. The following papers reported the debate on this matter in identical accounts: QUEBEC GAZETTE, 4 October 1852, MORNING CHRONICLE, 4 October 1852, MONTREAL GAZETTE, 5 October 1852, PILOT, 6 October 1852, BRITISH COLONIST, 8 October 1852, HAMILTON SPECTATOR DAILY, 9 October 1852, HAMILTON GAZETTE, 11 October 1852, EXAMINER, 13 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by GLOBE, 12 October 1852. LA MINERVE, 5 October 1852, noted the debate.
142. GLOBE, 12 October 1852.
143. QUEBEC GAZETTE, 4 October 1852.
144. GLOBE, 12 October 1852.
145. QUEBEC GAZETTE, 4 October 1852.
146. GLOBE, 12 October 1852.
147. IBID.
148. QUEBEC GAZETTE, 4 October 1852.
149. IBID.
150. GLOBE, 12 October 1852.
151. QUEBEC GAZETTE, 4 October 1852.
152. GLOBE, 12 October 1852.
153. The following papers reported the debate on this matter in partially identical accounts: QUEBEC GAZETTE, 4 October 1852, MORNING CHRONICLE, 4 October 1852, MONTREAL GAZETTE, 5 October 1852, PILOT, 6 October 1852, BRITISH COLONIST, 8 October 1852, HAMILTON SPECTATOR DAILY, 9 October 1852, HAMILTON GAZETTE, 11 October 1852, EXAMINER, 13 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by GLOBE, 9, 12 October 1852. HAMILTON SPECTATOR DAILY, 4 October 1852, GLOBE, 5 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 October 1852, noted the following in identical accounts: "Last night after the reporter left, the Grand Trunk Railroad bill was withdrawn on account of its conflicting with the 5th and 6th clauses of the general Railway Act....A long acrimonious discussion took place before the bill was withdrawn." A commentary appeared in GLOBE, 9 October 1852 (in a separate account).
154. GLOBE, 12 October 1852.
155. IBID., 9 October 1852.
156. QUEBEC GAZETTE, 4 October 1852.
157. IBID.
158. GLOBE, 12 October 1852.
159. IBID.
160. QUEBEC GAZETTE, 4 October 1852.
161. IBID.
162. GLOBE, 12 October 1852.
163. QUEBEC GAZETTE, 4 October 1852.
164. GLOBE, 12 October 1852.
165. IBID., 9 October 1852.
166. IBID., 12 October 1852.
167. QUEBEC GAZETTE, 4 October 1852.
168. GLOBE, 12 October 1852.
169. QUEBEC GAZETTE, 4 October 1852.
170. GLOBE, 12 October 1852.
171. IBID., 9 October 1852.
172. IBID., 12 October 1852.

173. IBID., 9 October 1852.
174. QUEBEC GAZETTE, 4 October 1852.
175. GLOBE, 12 October 1852.
176. QUEBEC GAZETTE, 4 October 1852.
177. GLOBE, 12 October 1852.
178. IBID.
179. IBID.
180. QUEBEC GAZETTE, 4 October 1852.
181. GLOBE, 12 October 1852.
182. IBID., 9 October 1852.
183. IBID.
184. IBID., 12 October 1852.
185. QUEBEC GAZETTE, 4 October 1852.
186. GLOBE, 12 October 1852.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. QUEBEC GAZETTE, 4 October 1852.
192. GLOBE, 12 October 1852.
193. QUEBEC GAZETTE, 4 October 1852.
194. GLOBE, 12 October 1852.
195. QUEBEC GAZETTE, 4 October 1852.
196. IBID.
197. IBID.
198. IBID.
199. GLOBE, 12 October 1852.
200. QUEBEC GAZETTE, 4 October 1852.
201. GLOBE, 12 October 1852.
202. QUEBEC GAZETTE, 4 October 1852.
203. GLOBE, 12 October 1852.
204. QUEBEC GAZETTE, 4 October 1852.
205. GLOBE, 12 October 1852.
206. QUEBEC GAZETTE, 4 October 1852. GLOBE, 12 October 1852, commented that "in the course of twenty-five minutes--subscriptions in the amount of £500 were made...."
207. GLOBE, 12 October 1852.
208. QUEBEC GAZETTE, 4 October 1852.
209. GLOBE, 12 October 1852.
210. QUEBEC GAZETTE, 4 October 1852.
211. GLOBE, 12 October 1852.
212. QUEBEC GAZETTE, 4 October 1852.
213. GLOBE, 12 October 1852.
214. QUEBEC GAZETTE, 4 October 1852.
215. GLOBE, 12 October 1852.
216. QUEBEC GAZETTE, 4 October 1852.
217. GLOBE, 12 October 1852.
218. QUEBEC GAZETTE, 4 October 1852.
219. GLOBE, 12 October 1852.
220. QUEBEC GAZETTE, 4 October 1852.
221. GLOBE, 12 October 1852.
222. QUEBEC GAZETTE, 4 October 1852.
223. GLOBE, 12 October 1852.
224. QUEBEC GAZETTE, 4 October 1852.
225. GLOBE, 12 October 1852.

226. QUEBEC GAZETTE, 4 October 1852.
227. GLOBE, 12 October 1852.
228. QUEBEC GAZETTE, 4 October 1852.
229. GLOBE, 12 October 1852.
230. QUEBEC GAZETTE, 4 October 1852.
231. GLOBE, 12 October 1852.
232. QUEBEC GAZETTE, 4 October 1852.
233. GLOBE, 12 October 1852.
234. QUEBEC GAZETTE, 4 October 1852.
235. GLOBE, 12 October 1852.
236. QUEBEC GAZETTE, 4 October 1852.
237. GLOBE, 12 October 1852.
238. QUEBEC GAZETTE, 4 October 1852.
239. GLOBE, 12 October 1852.
240. QUEBEC GAZETTE, 4 October 1852.
241. GLOBE, 12 October 1852.
242. IBID.
243. IBID., 9 October 1852.
244. QUEBEC GAZETTE, 4 October 1852.
245. GLOBE, 12 October 1852.
246. QUEBEC GAZETTE, 4 October 1852.
247. GLOBE, 12 October 1852.
248. QUEBEC GAZETTE, 4 October 1852.
249. GLOBE, 12 October 1852.
250. IBID.
251. QUEBEC GAZETTE, 4 October 1852.
252. GLOBE, 12 October 1852.
253. QUEBEC GAZETTE, 4 October 1852.
254. GLOBE, 12 October 1852.
255. IBID.
256. IBID.
257. QUEBEC GAZETTE, 4 October 1852.
258. GLOBE, 12 October 1852.
259. QUEBEC GAZETTE, 4 October 1852.
260. GLOBE, 12 October 1852.
261. QUEBEC GAZETTE, 4 October 1852.
262. GLOBE, 12 October 1852.
263. IBID.
264. QUEBEC GAZETTE, 4 October 1852.
265. GLOBE, 12 October 1852.
266. QUEBEC GAZETTE, 4 October 1852.
267. GLOBE, 12 October 1852.
268. QUEBEC GAZETTE, 4 October 1852.
269. GLOBE, 12 October 1852.
270. QUEBEC GAZETTE, 4 October 1852.
271. GLOBE, 12 October 1852.
272. QUEBEC GAZETTE, 4 October 1852.
273. GLOBE, 12 October 1852.
274. QUEBEC GAZETTE, 4 October 1852.
275. GLOBE, 12 October 1852.
276. QUEBEC GAZETTE, 4 October 1852.
277. GLOBE, 12 October 1852.
278. QUEBEC GAZETTE, 4 October 1852.
279. GLOBE, 12 October 1852.
280. IBID.

281. IBID.
282. QUEBEC GAZETTE, 4 October 1852.
283. GLOBE, 12 October 1852.
284. QUEBEC GAZETTE, 4 October 1852.
285. GLOBE, 12 October 1852.
286. QUEBEC GAZETTE, 4 October 1852.
287. GLOBE, 12 October 1852.
288. QUEBEC GAZETTE, 4 October 1852.
289. GLOBE, 12 October 1852.
290. QUEBEC GAZETTE, 4 October 1852.
291. GLOBE, 12 October 1852.
292. QUEBEC GAZETTE, 4 October 1852.
293. GLOBE, 12 October 1852.
294. QUEBEC GAZETTE, 4 October 1852.
295. GLOBE, 12 October 1852.
296. QUEBEC GAZETTE, 4 October 1852.
297. GLOBE, 12 October 1852.
298. The following papers reported the debate on this matter in identical accounts:
 QUEBEC GAZETTE, 4 October 1852, MORNING CHRONICLE, 5 October 1852, MONTREAL
 GAZETTE, 5 October 1852, PILOT, 6 October 1852, BRITISH COLONIST, 8 October
 1852, HAMILTON SPECTATOR DAILY, 9 October 1852, HAMILTON GAZETTE, 11 October
 1852, EXAMINER, 13 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852,
 and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by
 GLOBE, 9, 12 October 1852. The following papers noted the Bill in identical
 accounts: HAMILTON SPECTATOR DAILY, 4 October 1852, GLOBE, 5 October 1852,
 NORTH AMERICAN WEEKLY, 7 October 1852, and HAMILTON SPECTATOR WEEKLY, 7 Oc-
 tober 1852.
299. GLOBE, 9 October 1852.
300. QUEBEC GAZETTE, 4 October 1852.
301. GLOBE, 9 October 1852.
302. IBID., 12 October 1852.
303. IBID.
304. IBID.
305. IBID.
306. IBID.
307. QUEBEC GAZETTE, 4 October 1852.
308. GLOBE, 12 October 1852.
309. QUEBEC GAZETTE, 4 October 1852.
310. GLOBE, 12 October 1852.
311. QUEBEC GAZETTE, 4 October 1852.
312. GLOBE, 12 October 1852.
313. IBID.
314. QUEBEC GAZETTE, 4 October 1852.
315. IBID.
316. IBID.
317. GLOBE, 12 October 1852. This statement may have been made by Mr. Boulton.
318. QUEBEC GAZETTE, 4 October 1852.
319. GLOBE, 12 October 1852.
320. QUEBEC GAZETTE, 4 October 1852.
321. GLOBE, 9 October 1852.
322. IBID., 12 October 1852.
323. IBID., 9 October 1852.
324. IBID.
325. IBID., 12 October 1852.
326. IBID., 9 October 1852.
327. IBID., 12 October 1852.

- 328. IBID., 9 October 1852.
- 329. IBID., 12 October 1852.
- 330. IBID., 9 October 1852.
- 331. QUEBEC GAZETTE, 4 October 1852.
- 332. IBID.
- 333. GLOBE, 12 October 1852.
- 334. IBID.
- 335. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
- 336. IBID.
- 337. IBID.

MONDAY, 4 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Taché,--The Petition of Stanislas Drapeau, of the City of Quebec,
Printer.

By Mr. Stuart,--The Petition of James McKenzie, Esquire, and others, of the
City of Quebec, Pointe Levy, and the adjoining Parishes; and the Petition of the
Reverend J. Auclair and others, of the City of Quebec.

By Sir Allan N. MacNab,--Three Petitions of the Board of Trade of the City
of Hamilton.

Pursuant to the Order of the day, the following Petitions were read:--

Of Alexander Dempster and others, of the County of Carleton; of John Farqu-
harson and others, Members of the Stratford Division, No. 236, of the Sons of
Temperance of Canada West; of J.L. Tucker and others, of the Township of Clarke;
of John Alexander, Esquire, and others, of the County of Simcoe; of the Municipi-
pality of Wainfleet; of the Municipality of the Township of Pelham; of C.J. Horner
and other Ladies of the Township of Granby; of Edward Finlay and others, of the
Counties of Shefford and Missisquoi; of Mary McConnell and other Ladies of the
Counties of York and Simcoe; of Anna Wood and others, female inhabitants of
Montreal and its vicinity; of John Holland and others, of Montreal and its vicinity;
of Nathaniel Sharrard and others, of the County of Ontario; of William Cross and
others, of the Township of Innisfil, County of Simcoe; of Francis Kirkpatrick and
others, of the County of Stormont; of John R. Ogden and others, of the County of
Prince Edward; of William Webster and others, of the Townships of Euphemia and

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Dawn, Gore of Camden; of John B. O'Reilly and others, of the Townships of Pelham
and Wainfleet; of Catherine Beam and other Ladies of the Township of Bertie; of
William Taylor and others, of the County of Durham; of Duncan Livingston and others,
of the County of Leeds; of Henry Conklin and others, of the County of Grenville;
of L.H. Bellamy and others, of the Township of Augusta; of the Reverend David
Dunkerley and others, on behalf of the Congregational Church, Durham, County of
Drummond; and of John K. Cook and others, of the Town of St. Catherine's; praying
for the passing of an Act to prohibit the manufacture and sale of intoxicating
liquors, except for medicinal and mechanical purposes.

Of the Municipal Council of the Municipality of the County of Vaudreuil;
praying that the Seat of the said County may be removed to the Village of Ruis-
seau St. Hyacinthe, in the Parish of St. Ignace du Côteau du Lac.

Of the Reverend William McMurray and others, of the Town of Dundas; praying
that the application of certain parties for the Corporation of the said Town to
be authorized to issue Debentures, and become security on behalf of the Desjar-
dins Canal Company to the Great Western Railroad Company, or any other Company
or person for the outlay on the proposed improvement of the said Canal may not
be granted, but that the said Canal may be assumed as a Government Work.

Of William DeCew and others, of the County of Haldimand; praying that the
Petition for the assumption by the Government as a Provincial work, of the im-
provements of the Grand River Navigation, may not be granted.

Of W.B. Hamilton, Esquire, and others, of the Townships of Tiny and Tay,
County of Lincoln; praying for the passing of an Act to incorporate the St. Law-
rence and Lake Huron Railroad Company.

Of the Natural Historical Society of Montreal; praying for aid.

Of William Henderson, Esquire, and others, of Frampton, Buckland, and other
Townships, in the County of Quebec; praying that the Lands in the said Townships
may be exempted from a certain proposed tax, or an equitable portion thereof.

Of F. Paradis and others, of the Parish of St. Henry, County of Dorchester; praying that the Petition of James Motz, Esquire, for the passing of an Act to secure him in the enjoyment of his Bridge over the River Etchemin may not be granted, and that no alteration be made in the existing Law in that behalf.

Of the Council of the Corporation of the Village of St. John; praying the adoption of such measures with regard to Seigniorial Rights, as may relieve the Censitaires of the said Village, and of the Province in general.

Of the Town Council of the Town of Niagara; and of the Municipality of the Township of Drummond; praying certain amendments to the Assessment Law.

Of the Municipality of the Township of Drummond; praying for the passing of an Act to declare that all the Roads established under the Acts 50 Geo. 3, cap. 1, and 4 Geo. 4, cap. 10, shall be of a certain width.

Of the Municipality of the Township of Drummond; praying certain amendments to the Municipal Corporations Act.

Of Louis Bertrand, Esquire, and others, of the Parish of L'Isle Verte, County of Rimouski; praying aid to open a Road from the fourth range of the said Parish to the River Toupike.

Of the Reverend Cyprien Tanguay and others, of the Parish of St. Germain, County of Rimouski; praying aid for the completion of a Convent for educational purposes in the said Parish.

Of the Very Reverend C.F. Cazeau and others, of the Parishes of Ste. Foye and Quebec; praying that authority be granted to the Commissioners of the Quebec Turnpike Trusts to borrow a certain sum of money to macadamize the Road from Sillery Cove, near the City of Quebec, to the St. Louis Road.

Of R.S. Mann and others, of the Village of Beachville; of William Edwards,

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Esquire, and others, of the Township of Clarence; of Janet Kippen and others, of the Townships of Kenyon and Roxborough; and of the Reverend Robert Wallace and others, of the Village of Ingersoll and vicinity, County of Oxford; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service.

Of William Hepburn and others, of the Village of Chippawa; praying that the Clergy Reserve Lands may be withdrawn from the Clergy of all denominations, and the Rectories abolished, and the proceeds thereof appropriated to Common School Education.

Of the President and Members of the Royal Institution for the advancement of Learning, Governors of McGill College; praying for the passing of an Act to amend and extend the provisions of the Acts 41 Geo. 3, cap. 17, and 8 Vic. cap. 68.

Of Nicolas Allard and others, Proprietors of Vessels, of Quebec, engaged in the Commerce between the different Ports of the British Possessions; praying for the passing of an Act to exempt Provincial Vessels from the payment of the tax imposed by the Act to provide for the Medical treatment of Mariners.

Of the Mayor, Aldermen and Councillors of the City of Hamilton; praying for certain amendments to the Municipal Corporations Act.

Of J.H. Proctor and others, of the Township of Brighton; praying that the boundary lines of the said Township may be more clearly defined.

Of Levi Grant and others, of the Township of Oxford, County of Grenville; praying for the construction of a Canal of dimensions similar to the St. Lawrence Canals, to connect the waters of the River St. Lawrence, above the Village of Caughnawaga, with those of Lake Champlain.

Of Hiram Adams and others, Landowners in the eighth Concession of the Township of Edwardsburgh, County of Grenville; praying that the Petition of certain inhabitants of the said Township for the repeal of so much of the Act 13 & 14 Vic. cap. 85, as affects the posts planted in the authorized survey of the 8th Concession of the said Township, may not be granted.

Of François DaSylva and others, Censitaires of the Seigniority of Cap de la Magdelaine; praying for the passing of an Act to exempt them, in whole or in part, from the payment of the arrears of cens et rentes and lods et ventes.

Of the Honorable George Pemberton and others; praying for the passing of an Act to revise and continue the Act 13 & 14 Vic. cap. 117, to incorporate the Quebec and St. Andrew's Railroad Company.

Of Hypolite Dubord, of the Parish of Pointe aux Trembles, Esquire; praying that all Judges of the Court of Queen's Bench who are proprietors of Seigniories, may be declared incompetent to sit in cases where Seigniorial rights are in question.

Of William Lyon Mackenzie, Esquire; setting forth his intention to present a Petition to the House in the matter of the Will of the late Robert Randall, Esquire, and that he has been prevented from doing so by the press of other business,--and praying that the time for receiving Private Petitions may be extended in his behalf until the 11th of October instant.

Of the President, Directors and Company of the Erie and Ontario Railroad; praying for the passing of an Act to amend the Charter of the said Company.

Of John Sharples, on behalf of the Committee of management of the Congregation of the Catholics of Quebec speaking the English language; praying for the passing of an Act to incorporate the said Congregation, and to vest in them certain property.

Of H. Jackson and others, Shareholders in the Ontario, Simcoe and Lake Huron Railroad Company; praying for certain amendments to the Act incorporating the said Company.

Of Leonard Wells, Esquire, and others, of the County of Shefford; praying for

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the establishment of Courts with unlimited Civil and Criminal Jurisdiction within the said County.

Of A. Bazin, Esquire, and others, of St. François, County of Yamaska; praying for an Act of Incorporation to enable them the better to manage the Common of St. François.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying for the passing of an Act to authorize them to enclose and ornament, and erect Public Buildings upon a certain vacant place in the said City, known as the Gore of King Street.

Ordered, That the Petition of the Mayor, Aldermen and Commonalty of the City of Hamilton, relative to the Gore of King Street, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of William D. Mattice, Esquire, and others, of the Town of Cornwall; the Petition of William Taylor and others, of the County of Durham; the Petition of William Cross and others, of the Township of Innisfil, County of Simcoe; the Petition of Nathaniel Sharrard and others, of the County of Ontario; the Petition of John B. O'Reilly and others, of the Townships of Pelham and Wainfleet; the Petition of Catharine Beam and other Ladies of the Township of Bertie; and the Petition of Mary McConnell and other Ladies of the Counties of York and Simcoe, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of F.M.F. Ossaye, of LaTortue, Agent of the Agricultural Society of Lower Canada, be referred to the Joint Committee of both Houses for the regulation and management of the Parliamentary Library.

Mr. Polette reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, to which they had annexed the Petition referred to them by the House relating thereto:--And the Names of the Committee were read, as follow:--Edward Malloch, Esquire, Edward Short, Esquire, Louis Lacoste, Esquire, Ovide LeBlanc, Esquire; Chairman, François Lemieux, Esquire.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Report on the State of the Gaols in Upper Canada.

For the said Report, see Appendix (H.H.)

Ordered, That the said Report be printed for the use of the Members of this House.

Mr. Polette reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Huron, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Asa A. Burnham, Esquire, Ulric J. Tessier, Esquire, William Patrick, Esquire, Amos Wright, Esquire; Chairman, the Honorable William Badgley.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Third Report of the said Committee; which was read, as followeth:--

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Your Committee have examined the Bill to incorporate La Société des Dames Charitables de la Paroisse de St. Etienne de la Malbaie, and have agreed to certain amendments, which they beg leave to submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate La Société des Dames Charitables de la Paroisse de St. Etienne de la Malbaie, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Wednesday next.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Supplementary Return to the Address of the Legislative Assembly to His Excellency the Governor General, dated 24th August 1852, praying (*inter alia*) for a Statement of the Receipts from Clergy Reserve Lands sold or rented, the principal and interest on sales, the charges of management, and to whom paid, and the disbursements.

For the said Return, see Appendix (A.A.)

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to amend the Act, intituled, "An Act to incorporate the Hamilton Gas Light Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 31st of August last, praying that His Excellency would be pleased to lay before the House, a copy or copies of any Agreement or Agreements entered into by the Quebec and Richmond Railway Company, with William Jackson, Esquire, M.P., and others, for the completion of the said Railway; also, for a copy of any Correspondence between the Government of this Province, or any Member thereof,

with the said William Jackson, Esquire, and others, in regard to the Trunk Railroad through this Province.

For the said Return, see Appendix (Z.)

Ordered, That the said Return be printed for the use of the Members of this House.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Report of the Superintendent of Education for Lower Canada, for 1850-1851.

For the said Report, see Appendix (J.J.)

Ordered, That the same number of copies of the said Report be printed, as were ordered for the Report of the Superintendent of Education for Upper Canada, one half in each of the English and French Languages, the surplus, after the number required for this House, to be distributed in the School Municipalities, through the Superintendent of Education for Lower Canada.

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Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to incorporate the Trustees of the Hamilton Orphan Asylum.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

The annual motion for the reference of the petition of Donald Cameron, of Thorah, to a select committee, was moved by MR. HARTMAN.¹

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Mr. Hartman moved, seconded by Mr. Wright of the East Riding of York, and the Question being put, That the Petition of Donald Cameron, of the Township of Thorah, praying for the adoption of certain measures to obtain for him and his followers the issue of Deeds of Lands for which they have received Location Tickets, be referred to a Select Committee, composed of Mr. Langton, Mr. Malloch, Mr. McDonald of Cornwall, Mr. Wright of the East Riding of York, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records;

[The motion was] opposed, as usual, by ... MR. COM. CR. LANDS ROLPH on the ground that the endorsements on the location tickets presented to the department by Mr. Cameron, were forgeries; that the settlement duties on the lands he claimed, were never performed, and consequently that he was not entitled to a single acre.²

The motion was lost.³

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--It passed in the Negative.

Mr. Hartman moved, seconded by Mr. Wright of the East Riding of York, and the Question being put, That the Petition of Thomas Appleton, of the Township of King, praying payment of his claim for his proportion of the allowance for Schools due since the year 1828, be referred to a Select Committee, composed of Mr. Mackenzie, Mr. Wright of the East Riding of York, Mr. Boulton, Mr. Morrison, and the mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Clapham, Dixon, Fergusson, Hartman, Mackenzie, Malloch, Patrick, and Wright of East Riding of YORK.--(9.)

NAYS.

Messieurs Burnham, Cameron, Solicitor General Chauveau, Christie of GASPE, Crawford, Attorney General Drummond, Dumoulin, Gamble, Hincks, Lacoste, Langton, LaTerrière, LeBoutillier, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Marchildon, McDougall, Morin, Morrison, Murney, Paige, Polette, Attorney General Richards, Ridout, Shaw, Short, Smith of FRONTENAC, Stevenson, Street, Taché, Tessier, Viger, Willson, and Young.--(35.)

So it passed in the Negative.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Abstracts of the Population of Upper and Lower Canada, by the late Census.

For the said Abstracts, see Appendix (L.L.)

Ordered, That the said Abstracts be printed for the use of the Members of this House.

Mr. Speaker acquainted the House that the Clerk of this House had received from the Clerk of the Crown in Chancery a Certificate of the Return of a Member for the County of Bellechasse, in the room of the Honorable Jean Chabot, who, since his election to serve for the said County of Bellechasse, had accepted an Office of profit under the Crown, to wit, the Office of Chief Commissioner of Public Works.

And the said Certificate was read; and is as followeth:--

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Province of Canada.

Office of the Clerk of the Crown in Chancery,
Quebec, 4th October, 1852.

This is to certify, that in virtue of a Writ of Election, dated the twenty-fourth day of September last past, issued by His Excellency the Governor General, and directed to the Registrar of the County of Bellechasse, (Pantaleon Forques, Esquire,) Returning Officer ex-officio for the said County of Bellechasse, for the election of one Member to represent the said County of Bellechasse in the present Parliament, in the room and place of the Honorable Jean Chabot, who, since his Election to serve for the said County of Bellechasse, had accepted an Office of profit under the Crown, to wit, the Office of Chief Commissioner of Public Works, the Honorable Jean Chabot has been returned as duly elected accordingly, as appears by the Return to the said Writ of Election, dated the fourth day of October, which is now lodged of record in my office.

Felix Fortier,
C.C. Chancery.

To W.B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

Ordered, That Mr. Patrick have leave to bring in a Bill to amend the Act incorporating the Bytown and Prescott Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Patrick have leave to bring in a Bill for the granting of certain Lots in the Town of Bytown, to the Bytown and Prescott Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Stuart, seconded by Mr. Boulton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any Instruments under the hand and seal of the Governor, Lieutenant Governor, or Person administering the Government of the Province of Lower Canada, appointing Trustees for the erection of an Hospital for the reception of sick seamen and other indigent sick persons in the City of Quebec, under the authority of the 10th & 11th Geo. 4. cap. 23, making provision for the establishment of such an Hospital, and of all Instruments from time to time removing such Trustees, or any of them, and appointing others in their place, or in the place of any of them; also, copies of all appointments made of Managers of the Marine Hospital, or of Commissioners of the Emigrant Hospital, established at Quebec, with documents and information respecting the direction and management of such Institutions, or either of them, and of any Rules and Regulations for the internal government and economy, and maintenance of the same; and also, that His Excellency will be pleased to inform this House under what authority or law such appointment or nomination of Manager and Commissioner has been made, and such Rules and Regulations have been established.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, all information and documents respecting the Building erected in the Lower Town of the City of Quebec to be the Custom House, and established as such

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under the authority of the 10th & 11th Geo. 4. cap 34, and the 2nd Will. 4. cap. 45, and copies of any Correspondence respecting the removal of the Custom House Department to any other building, and of any instructions for such removal, and of the authority under which the Custom House has been removed from the place established by Law for the same; also, copies of any instructions given for the occupation of the Custom House erected under the above Statutes, by the Water Police as a Barrack; and copies of any instructions to the Department of Public Works to examine the building in question, for the purpose of reporting whether or not it were capable of being made to accommodate the intended Provincial School of Navigation, with the Report made under such instructions: also, a statement of the measures adopted for the selection of any other site for a Custom House in the City of Quebec, and a copy of any plans or estimates for the erection of a fit and proper building to be substituted in the place of that which has been so diverted from the purposes for which it was so established.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Boulton, seconded by Mr. Crawford,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of all Reports and enquiries, documents and evidence, on which the payment of £550, mentioned in the Report of Public Works for 1851, to William Cottingham was made.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Honorable Jean Chabot, Member for the County of Bellechasse, having pre-

viously taken the Oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

Ordered, That the Honorable Mr. Merritt have leave to bring in a Bill to provide for the making of certain Annual Returns to the Government.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Smith of Durham, seconded by Mr. Morrison,

Ordered, That the 64th and 66th Rules of this House be suspended, in so far as respects the Petition of the Municipality of the Township of Cavan; the Petition of the Municipality of the Township of South Monaghan; the Petition of the Municipality of the Township of Hope, and the Petition of the Municipal Council of the Town of Port Hope.

Ordered, That Mr. Paige have leave to bring in a Bill to extend the provisions of an Act, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein," to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Laurin have leave to bring in a Bill to remove certain doubts as to the Law for the trial of Controverted Elections.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

MR. PROV. SEC. MORIN moved that a call of the House be ordered for 22nd October, to take into consideration the new representation bill.⁴

MR. H. SMITH objected to that day, as the assizes commenced in Upper Canada on the 19th, and the gentlemen of the long robe must attend to their business. He suggested Tuesday, 2nd November, as a day that would suit the lawyers.⁵

MESSRS. MACKENZIE and BROWN strongly opposed the delay. They showed that in every probability such a postponement would be fatal to the bill; that it was not at all likely the measure could pass by a two-third vote of both houses; that it would take a number of days to test this in the two branches; and that the lateness of the session would prevent any ulterior proceedings being taken should the two-third vote not be obtained. They ridiculed the idea of so important a reform being placed in jeopardy to suit the convenience of three or four lawyers--and declared that if the Government acceded to the delay, it would be quite evident that they were not anxious to carry the representation bill this session. If the convenience of the lawyers was to be the rule the House, they urged that there was yet time to have the call of the House before the Assizes--say on the 15th instant.⁶

The Ministry would not listen--the gentlemen of the law must be accommodated. A division was called for on the question, shall the call of the House be postponed to Wednesday, the 3rd November?⁷

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The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being put, That a Call of the House be made on Wednesday the third day of November next; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Attorney General Drummond, Fortier, Fournier, Hincks, Jobin, Lacoste, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, Mattice, Merritt, Morin, Morrison, Murney, Paige, Papineau, Attorney General Richards, Ridout, Short, Smith of FRON-TENAC, Street, Taché, Terrill, Tessier, Viger, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(41.)

NAYS.

Messieurs Boulton, Brown, Christie of WENTWORTH, Dumoulin, Mackenzie, McDougall, Patrick, Polette, and White.--(9.)

So it was resolved in the Affirmative.

Resolved, That such Members as shall not then attend, be sent for in custody of the Serjeant at Arms attending this House.

Ordered, That Mr. Speaker do cause Circular Letters to be written immediately to the absent Members, enclosing to them copies of the present Resolutions, signed by the Clerk of this House.

MR. AT. GEN. DRUMMOND⁸ moved the second reading of the bill to repeal the 5th and 6th clauses of the General Railway Act. He did so, because doubts might arise hereafter, as to the legality of the various Acts of Incorporation now demanded by railway companies, if these clauses were allowed to remain on the statute book. For his own part, he did not believe that they were binding on Parliament as any Act passed in one Parliament could not be held to bind any succeeding Parliament.⁹

MR. BOULTON said he was opposed to the unconditional repeal of those clauses, but he had no objection to do so in certain cases of trunk lines. He thought it highly reprehensible to pass Acts of Parliament one year and repudiate them the next.¹⁰ [He] opposed the motion, not from any wish to prevent any act of incorporation from being passed, but because he believed that this kind of legislation is dangerous¹¹. It ... [is] demoralizing and calculated to bring our legislation into contempt¹² [and] to shake the confidence of the people in the existing form of government¹³, as the hon. Inspector General had himself admitted during the last session of parliament.¹⁴ He was also opposed to the repeal of the 5th and 6th clauses of the Act¹⁵ [and] he protested against such legislation. Clauses like those now sought to be repealed had been found necessary in England and the United States. He contended that such clauses were a necessary check. He remarked on rash legislation, and did not think we should have so much if we had an Upper House that exercised proper supervision.¹⁶ He looked upon ... [the clauses] as affording security to bona fide companies, against the schemes of those persons who have for years embarrassed the Legislature, and prevented all real improvement, by securing a charter for a particular line of road, without any intention of commencing it, but solely with the intention of selling the charter to other parties.¹⁷

MR. AT. GEN. DRUMMOND was quite sure that the hon. Inspector General had never perpetrated such an absurdity, as to say it was demoralizing to repeal during one session an Act passed during the preceeding one, but he did say that to repeal the Trust and Loan Company's Act would be immoral, because they had invested money on the faith of it. He contended that the fifth and sixth clauses of the general Railway Act were nugatory and ought to be repealed. He believed those clauses were void as tending to restrict the privileges of members of the house, or at least voidable for that reason. He read an author, whose name we did not hear, in support of his view. He did not think the clauses could have been enacted if they had received due attention from the house, which he believed

they did not, as they passed when a pressure of business was before the house.¹⁸

MR. J.A. MACDONALD, of Kingston, contended at some length to show that the clauses might be repealed.¹⁹ [He] urged the second reading of the bill. He suggested, however, that the principle contained in the two clauses should be embodied in a rule of the House, so as to prevent those evils which the member for Toronto had referred to.²⁰

Some further conversation [ensued].²¹

MR. MERRITT thought it necessary to have a general Railway Act, with strict provisions to check the rash undertaking of Railways.²²

MR. AT. GEN. RICHARDS said the hon. member was very glad of going to the United States for examples, and would inform him that they had no general Railway Act there until they had made all their Railways; and when we had made ours, he (Mr. R.) would have no objections to a general Railway Act.²³

Motion carried and the house went into committee of the whole upon the bill.²⁴

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The Order of the day for the second reading of the Bill to repeal the fifth and sixth Sections of "The Railway Clauses Consolidation Act," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee;

The House accordingly resolved itself into the said Committee;

MR. SMITH held that the Government should give some reasons in the preamble of their bill for the repeal of the clauses.²⁵

MR. BOULTON held the same view and moreover thought that it was indecent just to say "be it enacted that the fifth and sixth clauses be repealed," without reciting any reason why it should be.²⁶

MR. INSP. GEN. HINCKS asked the hon. member to state what particular railroad he objected to.²⁷

MR. BOULTON said none, which could comply with the provisions sought to be repealed. He contended at some length that these were a necessary protection.²⁸

Some conversation took place.²⁹

MR. AT. GEN. DRUMMOND moved an amendment, the effect of which he [the reporter] did not understand, owing to noise under the reporters' gallery.³⁰

The bill was passed through committee and reported.³¹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Tessier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Tessier reported the Bill accordingly; and the amendments were read, and agreed to.

On motion of MR. AT. GEN. DRUMMOND the rules of the House were dispensed with and the bill read a third time and passed.³²

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Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time on Monday the twenty-fifth instant, and be then the first Order of the day.

The Order of the day for the third reading of the Bill to amend an Act passed

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in the eighth year of the Reign of Her Majesty to incorporate the St. Lawrence and Atlantic Railroad Company, and to extend the powers of the said Company, being read;

The Honorable Mr. Young moved, seconded by Mr. Solicitor General Chauveau, and the Question being proposed, That the Bill be now read the third time;³³

MR. TERRILL objected to the bill and said that it had been introduced without notice, or at least without sufficient notice, and had been read a second time before the parties really interested were aware of its existence, or of the intention of this corporation. It was true that there had been mention in one of the Montreal papers, that the St. Lawrence and Atlantic Railroad would apply to the Legislature for an amendment of their character [sic], but that notice gave not the most remote idea of an intention such as shown by this bill, to embark in an enterprise totally foreign to the objects of the charter. He did not accuse the directors of this road of attempting sub silentio to carry their point, but assuredly such a notice was not that required by the rules of this House and the interests of the public. When the Bill was printed, he (Mr. T.) had taken occasion to send copies of it to Stockholders whom he knew to be interested, and who had previously protested against the scheme, and as he expected, the result was, that some of them had petitioned this house against the passage of this Bill which had been read a second time. This corporation was chartered to construct a Railway from Montreal to the Province Line there to connect with the Portland Road, and in that corporation the public were solicited to become shareholders, and many subscribed for Stock, some thinking it offered favorable monetary advantages; others thinking it a duty to aid in colonial intercommunications; others again, and the greater number, trusting to be repaid by those incidental advantages, such as facilities of trade, increased value of property, &c. Among the latter were many inhabitants of the County of Stanstead, who had reason to believe, and positive assurances, that the road should be constructed through the centre of that county. They had been deceived, whether honestly or with profit to the corporation or to the public, it was unnecessary now to enquire. The question was, what were the legal respective rights of the parties? That was to be solved by this house in the dealing with the present measure. He (Mr. T.) had always supposed, and had no doubt that in ... creating a body corporate, and in becoming members thereof, legal obligations were created, both between the Government and the Corporation; and between the corporation and its individual members. The latter no less sacred and binding than the former. One of the incidents to the latter was the legal obligation to apply the funds obtained to the purposes defined by the charter, and to none others--and that a majority, however great, could not, against the wishes of a minority, however small, change the pursuits of the corporation. He (Mr. T.) believed this to be not the law of England alone, but of France and the United States, and that without an exception, and this he should presently attempt to shew. The bill in question proposes to give power

to a majority in this corporation to construct by means of the funds and credits of the corporation, a railroad in the State of Vermont, irrespective of the wishes of the minority. It will be admitted that this was not contemplated by the act of incorporation. It is admitted by the present application. This bill asks this House to be instrumental in carrying individual corporators into an enterprise in which they had never consented to be instrumental in compelling shareholders, who for reasons satisfactory to themselves, had invested the means in a domestic improvement, to embark against their consent in a foreign, doubtful speculation. Such a measure will impair and disturb vested rights, and he (Mr. T.) challenged the friends of this bill to shew an instance in which such an attempt has been held to be legal. It would not be pretended that the Legislature could compel individuals to become members of a corporation, the object of which was to invest monies abroad. And was it less unconstitutional first to deceive them into becoming a corporation for domestic purposes by one act of Parliament, and by another to compel them to make their investments abroad. In the case Mount vs. Shrewsbury and Chester Railway, it was decided at the instance of a single shareholder, that the company could not invest its funds in improving the navigation of the River Dee, upon which the prosperity of the road depended, nor in obtaining an act of Parliament for that purpose. The Master of the Rolls there said:--"That a corporation possessed of funds for objects defined by acts of Parliament, cannot be allowed to apply them to any other purpose whatever, however beneficial it may appear to the majority of the company." In the case of the New Haven Railway vs. Croswell, Chief Justice Nelson of Connecticut says:--"That corporations can exercise no power over corporations beyond that conferred by the charter to which they have subscribed." In the case of Ware vs. the Grand Junction Water Company, the Vice Chancellor, at the instance of a shareholder, restrained it from taking water from the river Colne instead of the Thames, and from obtaining an Act of Parliament for that purpose. In the case of Cardiff vs. the Manchester and Bolton Canal Company, the Vice Chancellor at the instance of a shareholder, restrained the corporation from converting a portion of their canal into a railway, and from applying to parliament for a charter to warrant it. In the case of the King vs. the Eastern Counties railway company, which had stopped short of one of its termini, and voted to go no further, the King's Bench, at the instance of the minority, by mandamus, directed the company to proceed in accordance with their charter. In the case of Stevens vs. the Burlington and Rutland Railroad, Chancellor Bennet of Vermont, at the instance of a shareholder, restrained that company from constructing that road from Burlington northward to Swanton, under an act of the Legislature of Vermont, authorizing such construction, but passed after the orator became a member of the corporation, notwithstanding that the company offered to give bonds to indemnify against all damages which he might sustain by reason of the extension. The Chancellor says, "That Courts of Equity treat as a fraud upon a minority, which the courts will neither sanction nor permit, the attempt to use the funds or pledge the credit of an association without the scope of their fundamental articles of agreement." The Chancellor said that if the orator had been sued for an averment, he might have claimed that he was absolved from liability, and that having paid, he had a right to compel a performance by the corporation in accordance with the charter, and to keep them within its provision. The Chancellor asks, "Does any one suppose that the Legislature could, without the consent of parties, absolve a corporator from liability on his subscription to the corporation, or modifying it? and can they do the reverse of it? He had no hesitation in saying, that it would be beyond the pale of the constitutional authority of the Legislature." In the case of Coleman vs. the Eastern Counties Railway Companies, lord Langdale, at the instance of a shareholder, restrained the corporation from guaranteeing certain profits

to a steam packet company to act in connection with the railway, thereby to increase its business, even though it was shown that the shareholder was prosecuting at the instigation of a rival company; and in Natusch vs. Irving and others, Directors of the British and Foreign Life and Fire Assurance Company, Lord Chancellor Eldon, at the instance of an underwriter at Lloyds, who had paid only £150 on account of stock, restrained a company with Rothschild at its head, having a capital of five millions sterling, organised to effect life assurance, from extending their operations to marine assurances, notwithstanding that the company tendered him his money with interest, and opposed to indemnify him. Mr. T. did not contend that if this parliament should enact this bill the courts in Equity and Law would have the same power over it as was promised by the courts in the United States, but was unwilling to admit for the purposes of this argument that the powers and jurisdiction of this parliament is as transcendental and absolute as Lord Coke asserts that of the British Parliament to be, "that it cannot be controlled or confined either for causes or persons within any bounds;" but, as was said by the Hon. Commissioner of Crown Lands the other night, a Parliament had not always the right to do what it had the power to do. There are bounds of right and justice within which it should confine itself: it should not interfere with the contracts of parties; it should not disturb nor violate acquired rights; it should never attempt to create a new corporation, and thrust the old corporators willing or unwilling into it:--such an act would be unmitigated despotism. It was unnecessary, then, to discuss the present circuitous location of this railway in Canada. It was located, and in an advanced stage of completion. It was also unnecessary to question the propriety of having undertaken to construct seventeen miles of railroad in an uninhabited and uninhabitable part of Vermont. The directors, right or wrong, have undertaken it, and must now complete it--or they will have a road running into the forest at the Province line without a connexion. Since the directors of this road, in their report of January last, congratulated the company upon their having been so fortunate as to obtain a concession of this seventeen miles of road, it is probable that they have provided means for its construction. The petitioners and others did not consider it such a boon;--they believed that it would jeopardize their investments. They were receiving no indirect benefits--no increased facilities of communication and commerce. Their properties were lessened, rather than increased, in value, by it. They protested against the scheme, and now pray that they may not be thrust into it. They fear that, if this Legislature should send their investments to Vermont, that that State, with the same reason, might send them to Texas. They do not desire, however, to interrupt the progress of the company, nor to deprive others of the benefits which the directors had, as they say so, fortunately secured. And, upon being released from the stock for which they have subscribed, and upon being repaid the moneys they have invested in this corporation with legal interest thereon, they will freely waive all right and all objections.

He moved an amendment to the effect that certain shareholders in Stanstead should have their money returned to them with interest, should they desire it, if they gave notice within a month after the passing of the Act.³⁴

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Mr. Terrill moved in amendment to the Question, seconded by Mr. Short, That all the words after "now" to the end of the Question be left out, in order to add the words "committed to a Committee of the whole House, for the purpose of inserting the following Clause, after the second Clause thereof: "And be it enacted, That the said St. Lawrence and Atlantic Railroad Company shall release the Stockholders of that Company who now reside within the County of Stanstead, from the Stock which they have subscribed in such Company, and shall refund to such Stockholders all sums which they have paid for and on account of such Stock,

together with legal interest thereon: Provided that such Stockholders who may so desire to be released shall, within one month from and after the passing of this Act, give notice to the said Company of their intention to claim such release and repayment;"

Some explanations ... [were made by] MR. YOUNG.³⁵

A few words [came] from other members³⁶.

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And the Question being put on the Amendment:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be now committed to a Committee of the whole House, for the purpose of inserting the following Clause, after the second Clause thereof. "And be it enacted, That the said St. Lawrence and Atlantic Railroad Company shall release the Stockholders of that Company who now reside within the County of Stanstead, from the Stock which they have subscribed in such Company, and shall refund to such Stockholders all sums which they have paid for and on account of such Stock, together with legal interest thereon: Provided that such Stockholders who may so desire to be released shall, within one month from and after the passing of this Act, give notice to the said Company of their intention to claim such release and repayment."

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Clapham reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Clapham reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to authorize the City of Toronto to negotiate a Loan of One hundred thousand pounds to consolidate a part of the City Debt, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Patrick reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Patrick reported the Bill accordingly; and the amendments were read, and agreed to.

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Ordered, That the Bill be read the third time To-morrow.

A Bill further to extend the time limited for certain purposes by the Montreal Registry Act, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act further to extend the period limited for certain purposes by the Montreal Registry Act."

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to repeal the Acts therein mentioned, and to improve the Law of Evidence in Upper Canada, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Richards do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Boulton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Smith of Frontenac, seconded by the Honorable Mr. Macdonald,

The House adjourned.

[QUESTION AND ANSWER RE: FERRY BETWEEN QUEBEC CITY AND POINT LEVI.]³⁷

MR. STUART enquired of the Ministry whether they have it [in] contemplation to introduce any measure to regulate the Ferry between the City of Quebec and the Parish of St-Joseph of Point Levi, so as to ensure a regular crossing of the River St. Lawrence between these two places, and also so as to facilitate communication between the City of Quebec, and the Quebec and Richmond Railway.³⁸

MR. AT. GEN. DRUMMOND [stated in answer:]--That the government have it in contemplation to introduce a measure to regulate the ferry which will include that between Quebec and Point Levi.³⁹

[QUESTION AND ANSWER RE: GRANTS OF LAND IN LOWER CANADA.]⁴⁰

DR. FORTIER enquired of the Ministry why no return has been made to an Address of this house, to His Excellency the Governor General ordered on the 3rd September last, praying for copies of all Instructions given by the Imperial Government, Lieutenant Governors, or Administrators of the Government of Lower Canada, relative to grants of land, by way of reward or otherwise, and also to the sales of uncultivated Crown Lands in Lower Canada.⁴¹

MR. PROV. SEC. MORIN replied that the Ministry had lost sight of the question of the hon. member for Nicolet owing to press of business, but they would give it their attention and prepare an answer.⁴²

[QUESTION AND ANSWER RE: JUSTICE IN CRIMINAL MATTERS IN LOWER CANADA AND PROTECTION FOR JURORS.]⁴³

MR. STUART ... [enquired] of [the] Ministry whether it is their intention during the present Session to introduce any measure to improve the administration of Justice in Lower Canada in Criminal matters; and also whether they intend by any such measure to relieve persons who are, under the present law, owing to the high qualification which it imposes, called on to serve as Jurors frequently in the course of the same year, and who are thereby exposed to unnecessary loss, discomfort & inconvenience.⁴⁴

MR. AT. GEN. DRUMMOND said it was the intention of the government to introduce a general measure on the subject⁴⁵ in relation to the decisions of Criminal Justice in Lower Canada, by which Jurors will be relieved from inconveniences and losses to which they are exposed under the present law.⁴⁶

[WITHDRAWN MOTION RE: SINKING FUND.]⁴⁷

MR. BOULTON moved the House into Committee of the whole to consider the expediency of having two or more commissioners appointed to manage the Sinking fund as in England. He stated that there was no subject more necessary to engage the attention of Parliament than the state of the Sinking Fund for the Provincial debt. It was established first in 1812 when £1,500,000 were borrowed in England, and it was then provided by the act authorizing the Loan that 5 per cent on the amount or £75,000 stg. per annum should be appropriated. In 1847 another act was passed, reducing the sinking fund to 4 per cent or £60,000 stg. per annum; and in 1849 an act was passed requiring in addition to the said sums all the receipts of Public Works exceeding £20,000 per an.: the 5[th] section of the first act provided that each year a correct statement shewing the exact statement of the sinking fund, should be laid before the government, and yet up to 1852, no statement of the rules or orders in council regulating the sinking fund had ever been

submitted to Parliament. He said it was most important that large sums should not be permitted to accumulate in the hands of government, lying idle whilst the country was paying 6 per cent on their debt. The Report of the Commissioner of Public Works for 1849, 1850, and 1851 shewed that in those three years the Public Works produced £160,130 net revenue to the Province from which, if £20,000 for 3 years, the amount retained by the act for Public purposes, is deducted, it would leave £100,130 in the hands of the government to be invested as a sinking fund in addition to the £60,000 stg. since 1849. He also stated that there was a large accumulation of special funds in the hands of the government, which out of justice to the parties interested should be invested at 6 per cent and was lying uninvested doing nothing. Of these funds £85,000 belonged to the Clergy Reserves fund; £12,000 to the Grammar School fund; near £5000 [to the] Jesuits Estate fund, and £18,000 [to the] Indian fund;--in all upwards of £120,000. This added to the funds for Public Works, £100,000, would be £220,000. Then there was £300,000 due to the sinking fund for 1849, '50, '51 and '52--of this sum £152,426 had been remitted, leaving a balance in hand towards the sinking fund that should be invested [of] £148,576, which added to the £220,000 would leave a total balance in hand on January last that should be invested and bear 6 per cent interest of £367,276, that from not being invested the Province and the parties interested in the Special Funds lost nearly £200,000 per annum. He asked if this required no remedy? He said that the principle of a sinking fund involved the necessity of investing the interest semi-annually and yet these large sums remained uninvested for years almost. In England a Commissioner was appointed for this purpose who managed this fund, and at regular periods the money was paid over by the government to these parties. This course he wished pursued in this country, and with that view he moved a committee to consider the subject, in order that steps might be taken to prevent such a heavy annual loss to the Province.⁴⁸

MR. INSP. GEN. HINCKS resisted the motion. The object the member for Toronto [Mr. Boulton] had in view, was the establishment of a new Department, with a vast amount of machinery, the whole of which was utterly useless so far as the interest[s] of the Province are concerned. He admitted that such machinery was necessary in England, where the business is very large, but in this country no such necessity exists. He declined however, to go into a general defence of the Government at the moment, as the course of the member for Toronto had taken him by surprise, and as he did not think that the proper time had arrived for discussing the various points alluded to by that gentleman; nevertheless he would say, that the whole of the funds in the control of the Government, had been managed in the most economical manner; the monies which properly belonged to the sinking fund were regularly appropriated to it, and the public accounts would not bear out any of the charges made against the Government.⁴⁹ The whole of the sinking fund was invested last year. The sinking fund this year was not invested. The amount was not invested in 1851, but there were reasons for it. The governor and deputy governor of the Bank of England and Chancellor were the only persons who took any interest in the matter of the accounts in England. And he contended that this machinery was not necessary to be employed in this country. He did not see the propriety of employing the number of clerks that would be necessary here. He said that it was advantageous to purchase debentures of Canada in England, at five per cent. He contended that there was no loss as far as a sinking fund was concerned, by purchasing there. He said that the Clergy Reserve fund and Jesuit Estates fund were not for investment at all, but that what the government had the power to invest was invested to advantage.⁵⁰

MR. BOULTON explained that in the month of October last only £6500 was invested.⁵¹

MR. INSP. GEN. HINCKS said that the question of whether the government was right or wrong did not now come before the House--and that at the proper time he would account for all these matters.⁵²

A long and somewhat discursive debate followed⁵³.

MR. MERRITT quoted the different acts of Parliament, establishing the Sinking fund; and contended that the accounts which should have been applied to the sinking fund, was not so applied.⁵⁴

MR. MACKENZIE spoke at length and complained generally of the management of the public funds and adverted to the difficulty that was experienced in procuring an account of their disposal. He made some observations relative to the style in which the person who kept the cash accounts in the Receiver General's office lived and said it was likely to excite suspicion.⁵⁵

MR. RIDOUT supported the hon. member who introduced the motion in so far as concerned the going into Committee, as the question was not generally understood by the House, and was deserving of great attention. He said, however, that he did not consider the appointment of commissioners necessary, the more so, because the hon. introducer of the motion asserted that he would propose as such commissioners a member of the Executive Council and the Speaker of this House whereby the entire matter would be in the hands of the Government.⁵⁶

MR. INSP. GEN. HINCKS stated he had said on former occasions, that if any member of the House complained of the management of the public accounts he ought to go before the Finance Committee, when he (the Inspector General) would be ready to refute any charge which might be made concerning their management. He censured the insinuations of the last speaker in relation to the manner in which business was conducted in the Receiver General's office.⁵⁷

MR. CAUCHON made some remarks upon the allusion to the Receiver General's Department, and said the person spoken of by the member for Haldimand had asked for an increase of salary.⁵⁸

Some further conversation [ensued]⁵⁹.

MR. BROWN stated, that he did not think that the public funds were managed so economically as they ought to be. He asked why the sinking fund was not invested in Provincial securities.⁶⁰

MR. INSP. GEN. HINCKS, three or four years ago, had tried to prevail upon the Imperial Government to allow the sinking fund to be invested in Provincial Securities, but they had refused.⁶¹

MR. BOULTON withdrew his⁶² motion⁶³.

FOOTNOTES: 4 OCTOBER 1852.

1. The exchange on this matter was reported by GLOBE, 12 October 1852.
2. GLOBE, 12 October 1852.
3. IBID.
4. IBID., 14 October 1852.
5. IBID.
6. IBID.
7. IBID.
8. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 6 October 1852, QUEBEC GAZETTE, 8 October 1852, PILOT, 8 October 1852, MONTREAL GAZETTE, 8 October 1852, BRITISH COLONIST, 12 October 1852, and EXAMINER, 20 October 1852.
9. GLOBE, 12 October 1852.
10. PILOT, 8 October 1852.
11. GLOBE, 12 October 1852.
12. PILOT, 8 October 1852.
13. GLOBE, 12 October 1852.
14. PILOT, 8 October 1852.
15. GLOBE, 12 October 1852.
16. PILOT, 8 October 1852.
17. GLOBE, 12 October 1852.
18. PILOT, 8 October 1852.
19. IBID.
20. GLOBE, 12 October 1852.
21. IBID.
22. PILOT, 8 October 1852.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 6 October 1852, QUEBEC GAZETTE, 8 October 1852, PILOT, 8 October 1852, MONTREAL GAZETTE, 8 October 1852, BRITISH COLONIST, 12 October 1852, and EXAMINER, 20 October 1852. GLOBE, 14 October 1852, made the following comment on this issue: "An important principle [of interest to stockholders] was assented to on the consideration of the St. Lawrence and Atlantic Railway Company amendment bill. This Company proposes to continue its line further than the original charter contemplated--some 16 miles into the State of Maine--and a portion of the stockholders object."
34. PILOT, 8 October 1852.
35. IBID.
36. IBID.
37. The following papers reported the exchange on this question in identical accounts: MORNING CHRONICLE, 5 October 1852, QUEBEC GAZETTE, 6 October 1852, MONTREAL GAZETTE, 7 October 1852, and PILOT, 7 October 1852. The following papers reported the exchange in partially identical accounts: GLOBE, 5 October 1852, BRITISH WHIG, 5 October 1852, PILOT, 5 October 1852, HAMILTON SPECTATOR DAILY, 5 October 1852, BRITISH COLONIST, 5 October 1852, EXAMINER,

- 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852, BATHURST COURIER, 8 October 1852, and OTTAWA CITIZEN, 9 October 1852.
38. MORNING CHRONICLE, 5 October 1852.
 39. IBID.
 40. The following papers reported the exchange on this question in identical accounts: MORNING CHRONICLE, 6 October 1852, QUEBEC GAZETTE, 8 October 1852, PILOT, 8 October 1852, and MONTREAL GAZETTE, 8 October 1852.
 41. PILOT, 8 October 1852.
 42. IBID.
 43. The following papers reported the exchange on this question in identical accounts: MORNING CHRONICLE, 5 October 1852, QUEBEC GAZETTE, 6 October 1852, MONTREAL GAZETTE, 7 October 1852, PILOT, 7 October 1852, HAMILTON SPECTATOR DAILY, 11 October 1852 (which copied from MORNING CHRONICLE), BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The following papers noted the exchange in partially identical accounts: GLOBE, 5 October 1852, BRITISH WHIG, 5 October 1852, BRITISH COLONIST, 5 October 1852, PILOT, 5 October 1852, HAMILTON SPECTATOR DAILY, 5 October 1852, EXAMINER, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, NORTH AMERICAN WEEKLY, 7 October 1852, BATHURST COURIER, 8 October 1852, and OTTAWA CITIZEN, 9 October 1852.
 44. MORNING CHRONICLE, 5 October 1852.
 45. IBID.
 46. GLOBE, 5 October 1852.
 47. The following papers reported the debate on this withdrawn motion in partially identical accounts: MORNING CHRONICLE, 5 October 1852, QUEBEC GAZETTE, 6 October 1852, MONTREAL GAZETTE, 7 October 1852, PILOT, 7 October 1852, HAMILTON SPECTATOR DAILY, 11 October 1852 (which copied from MORNING CHRONICLE), GLOBE, 12 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and EXAMINER, 20 October 1852.
 48. MORNING CHRONICLE, 5 October 1852.
 49. GLOBE, 12 October 1852.
 50. MORNING CHRONICLE, 5 October 1852.
 51. IBID.
 52. IBID.
 53. GLOBE, 12 October 1852.
 54. MORNING CHRONICLE, 5 October 1852.
 55. IBID.
 56. IBID.
 57. IBID.
 58. IBID.
 59. IBID.
 60. IBID.
 61. IBID.
 62. IBID.
 63. GLOBE, 12 October 1852.

TUESDAY, 5 OCTOBER 1852.

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MR. SPEAKER laid before the House, a Statement of the Affairs of the Canada West Farmer's Mutual and Stock Insurance Company, to 16th September, 1852.

For the said Statement, see Appendix (R.)

The following Petitions were severally brought up, and laid on the table:--

By Mr. Malloch,--The Petition of Ellenor Neilson and others, females, of the Townships of North Gower and Marlborough.

By Mr. Turcotte,--The Petition of L.C. Lefrançois, Esquire, and others, School Commissioners for the School District of Chateau Richer.

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By the Honorable Mr. Viger,--The Petition of Edward Corcoran, Esquire, and others, of the Township of Rawdon and its vicinity.

By Mr. Christie of Wentworth,--The Petition of John Smith, Esquire, Reeve, and others, of the Village of Paris; and the Petition of the Municipality of the Township of Pelham.

By Mr. Cauchon,--The Petition of J.B. Pleau and others, of Laval, County of Montmorency.

By the Honorable Mr. Cameron,--The Petition of Tier Sakoiennenhasi and others, Chiefs and Warriors of the St. Regis Indians; the Petition of J.R. Gibson and other Ladies of the Townships of Dawn, Camden, and Euphemia; and the Petition of V. Ouellette and others, of Windsor and its vicinity, County of Essex.

By Mr. Sanborn,--The Petition of the Reverend Daniel Gordon and others, of the Townships of Tingwick and Winslow; the Petition of the Reverend Daniel Gordon, Minister, and others; and the Petition of the Corporation of Bishop's College at Lennoxville.

By the Honorable Mr. Chabot,--The Petition of Messieurs Langevin, Masson, Thi-baudreau and Company, and others, Merchants, and others, of the City of Quebec.

Ordered, That the Petition of H.P. Holmes and others, of the Township of Yonge; the Petition of David Coleman and others, of the Township of Haldimand; the Petition of H.E.M. McDonald and others, of the Township of Elizabethtown; the Petition of George Wright, Esquire, Chairman, and P. McPhail, Secretary, on behalf of a Public Meeting of the inhabitants of the County of Peel; and the Petition of John Lancaster and others, of the County of Peel, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of Mrs. Brigitte Gosselin, of the City of Quebec, widow of the late Augustin Laperrière, be referred to the Standing Committee on Contingencies.

Mr. Polette reported, from the General Committee of Elections, the Amended Panels.

MR. INSP. GEN. HINCKS¹ moved that the House go into Committee of the Whole, for the purpose of considering certain Resolutions authorizing the guarantee of a loan of £100,000 in aid of the sufferers by the late fire at Montreal.²

MR. BROWN said he hoped the subject would not be taken up until the papers which had been moved for, were sent down, as the Committee would not be in a position to discuss it, until the House was in possession of the correspondence that had taken place between the Government and the Corporation of Montreal. The papers were ordered some time since and must be ready.³

MR. INSP. GEN. HINCKS replied that the correspondence referred to, was embodied in the Resolutions which he proposed to submit, and which the Government had agreed to. Nothing, he contended, could be gained by having the correspondence.⁴

MR. BROWN said that was a question to be determined by the House. The Province is asked to give its endorsation for £100,000, and the grounds upon which the application is made are not before the House.⁵

MR. PROV. SEC. MORIN agreed with the Inspector General, he thought the Legislature should do something to aid the sufferers by the fire at Montreal, the correspondence had been laid before the House on the 27th of September; and if it had not been printed, that was not the fault of the Government.⁶

MR. BROWN said he had never heard that it had been sent down; and objected to the question being proceeded with, until the documents were printed.⁷

The motion prevailed, and the House went into Committee of the Whole.⁸

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On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin, Resolved, That this House will immediately resolve itself into a Committee, to take into consideration certain Resolutions relative to the Guarantee of a Loan of One hundred thousand pounds to the Owners of building Lots in the City of Montreal whose buildings were destroyed by the late Fire,--and also, relative to the Guarantee of the payment of the Principal and Interest of the said Loan. The House accordingly resolved itself into the said Committee;

MR. INSP. GEN. HINCKS stated that the object of the resolutions, was simply to assist the citizens of Montreal in attaining a loan to enable them to erect buildings that were destroyed by the fire which took place in that city, a short time since; and he would briefly explain the principle upon which it was proposed to effect the object; and which would satisfy gentlemen that the risk was merely nominal, and would not resemble the loan to Quebec under similar circumstances, and which, he confessed, had not turned out satisfactorily. In that case, funds were placed in the hands of the sufferers, and there had not been punctuality in paying the interest; whereas in the present case, the Corporation would have to deal with the sufferers. It is proposed that a Company of individuals shall lend money to the sufferers by the fire, with the consent of the Corporation of Montreal, which becomes a party to the arrangement. There will be no debentures issued, but a lien will be taken on the property; the consequence will be, that Government will not have to deal with the sufferers; and a provision will be contained in the bill enabling the Sheriff to levy on the property; the Government merely giving a guarantee. The first question to be determined was,--is it desirable to afford the assistance which was proposed? In the abstract he would admit, it was not; but a very dreadful calamity had fallen on Montreal, and an ordinance had been passed to restrain the sufferers from erecting wooden buildings, so as in future to prevent risk from fires; but this law could not be enforced unless the parties were provided with additional funds, to effect which the Government must give a guarantee, by which money could be borrowed at a lower rate of interest than it could otherwise be attained. He contended, however, that there could be no risk, because the Corporation of Montreal would only permit money to be lent to persons who can ultimately pay for the advances that may be made; and should that not be the case, the buildings would be liable. In this case the party would deal with the Company which made the law; and if the amount could not be obtained from them at the expiration of the term provided for by the bill, the Company could fall back on the city of Montreal; and if it could not be obtained from the city, then the Government would become responsible. The measure, he said, would enable the sufferers to retrieve their houses; and he concluded by

moving the first resolution, which limits the amount to be guaranteed to £100,000, to be re-paid at the expiration of twenty years, to be loaned at six per cent, the loan in any one case not to exceed £500; and to have a preference over all other claims whatever.⁹

MR. BROWN opposed the measure on several grounds¹⁰. The motion ... [was] one that would be a very bad precedent, and which would oblige the government to increase the debt of the Province on every occasion of similar accident.¹¹ It is not the province of Government to carry individuals through personal difficulties ... [and] the extension of such aid is hurtful to the energies and self-reliance of the people¹². [He] hoped the resolution would not be adopted ... [and] admitted that the proposition was less objectionable than the grant to the citizens of Quebec; but the principle on which it proceeded was quite unsound, and tended to most injurious consequences. It must, at the outset, be considered that to increase the public debt to the extent of £100,000 was no light matter, and ought not to be undertaken without urgent necessity. Now, was this a case of necessity? He did not think it was.¹³ No case of necessity has been made out or even alleged for this loan,--it was merely to aid in enforcing an unpalatable municipal by-law¹⁴. True, similar aid was given to Quebec, but was that loan attended with the beneficial effects anticipated from it, or was the prospect of returns from it in any degree satisfactory? He understood that there was very little hope of the money being recovered. And where would this system of extending aid to localities end? Was it proposed to adopt the principle that the sufferers by all fires were to be aided by Government in rebuilding their property; or was the benefit to be kept for Lower Canada alone? Is every village, town, and city of Upper Canada to be entitled to the same help given to Montreal and Quebec? How can this be done and yet how can you in justice refuse, if you grant this? But the hon. Inspector General says--"Oh, this is not a common case,--this is a great conflagration." Well, sir, there have been great conflagrations in Toronto, in Kingston, in London, and many other parts of Upper Canada--quite as great in proportion to the size and wealth of the places as this in Montreal, but who thought of applying for public assistance? And, in fact, the plea of magnitude is not applicable to the case. In Montreal there have been no very heavy losses,--the loss has been divided among a great many. Now, is the loss of five hundred or a thousand pounds to a man in Montreal, any more oppressive than a loss of the same amount by a person in Kingston or Hamilton? Is the loss of five hundred pounds, by fire, any more grievous, more deserving of aid, when others suffer with you, than when you stand alone? Besides, sir, you do a positive injury by extending such assistance, you foster that hurtful inclination to lean upon the Government in every emergency, which has acquired for all colonies, the character of want of energy and self-dependence. Nothing contributes more to draw out the energetic and enterprising capacities of a people, than the struggle with, and the surmounting of, difficulties; and no man can have witnessed the astonishing rapidity with which the ruins left by a conflagration [*sic*] are replaced by vastly improved buildings in all our Western towns, without arriving at the conclusion that such misfortunes may be safely left to work out their own remedy, and that the interference of the Government would be rather hurtful than otherwise. Before an agitation could be got up for Government aid, and deputations sent to the Seat of Government, and the Ministry coerced and the terms discussed a little,--the sufferers waiting idly meanwhile for the result,--the buildings in Western Canada, without any such hotbed assistance, would be roofed in and the people [would be] in their shops again. Men should not be encouraged to build finer houses than the realized capital of the place would warrant. It was dead capital. The supply of houses in Montreal will soon be quite equal to the demand, if it is not so already, and this assistance will only foster the construction of better houses

than necessary. And if Government take upon them the assistance of individuals when suffering from the effects of fire, why shall they not do so in other cases of difficulty? The evil of teaching the people to lean on the Executive in times of trial was to be seen in France; and had he (Mr. Brown) known that this discussion would have come up today, he would have been prepared to show the effects in that country. Another evil of this Government scheme was the political influence it would have. A large number of debtors to the state will be created, and agitations for the next twenty years will be kept up for the reduction of the interest, the delay in payment of the principle [*sic*], or perhaps, as in Quebec, for the cancelling of a part of the debt. This agitation will be felt first in the municipal elections; but it will soon force its influence on the Government policy; and everyone knew how ready Government were to yield to the clamour of a large number of individuals. The whole scheme was radically bad; and he hoped the House would not entertain it.¹⁵

MR. BOULTON said there was a good deal of truth in the observations of the hon. member for Kent, that in the abstract, individuals ought not to rely upon the Government for relief; but¹⁶ in the case of a vast destruction of property like that which had taken place in Montreal, private assistance was out of the question, and there was a necessity that the public should come forward to aid the sufferers.¹⁷ In cases where hundreds are sufferers, Government ought to interfere, because it is impossible to obtain adequate local assistance. If a loss of some £10,000 were sustained, it would be improper to call upon the Government, because it would not be to that extent which would prevent parties from helping themselves. But, when it amounts to £100,000, it becomes impossible for the community to afford help. He admitted that in the present instance, individuals had lost no more than others had, in cases where the destruction of property had been limited to one or two houses; but nearly an entire town had been destroyed, and monied institutions, under ordinary circumstances, would not lend money, and private persons could not do so.¹⁸

MR. BROWN said the only object was, to enable individuals to build houses of a better class, than they otherwise would.¹⁹

MR. BOULTON replied, that the people of Montreal, were interested in having a better class of houses erected. The present proposition, he said, was different from that which was formerly proposed; and which he would have opposed.²⁰

MR. BROWN said, if the people of Montreal were so interested, they could raise the money without Government assistance. He was told yesterday, that £100,000 of Toronto debentures had been negotiated at par in England; and he believed the Inspector General had made arrangements for a similar sale of Montreal debentures at 98 [per cent]. He did not see why, to save two per cent to individuals, the liabilities of the Province should be increased.²¹

MR. INSP. GEN. HINCKS stated there was no analogy between the cases, as the corporation of Montreal was not going to give bonds. The hon. member for Kent in the course of his remarks, had studiously avoided alluding to the cause, which induced the Government to lend their assistance.²² [He] explained that the necessity for this step arose from the act of the corporation of Montreal, who had obliged by²³ the passing of restrictive by-laws²⁴, the sufferers by the late fire, to rebuild their houses in brick or stone.²⁵ The sufferers were not applying for this measure, but the citizens of Montreal, finding that houses built of wood, led to destructive fires, had determined that in future they should be of stone²⁶. It was therefore felt to be right that some aid should be given to the poor people thus burnt out, and who must have some shelter²⁷. What is asked is, that the Government will guarantee a loan to that city, and thus enable them to fulfil their engagements; and that at the very time when they are

endeavouring to effect the same object for Upper Canada; by which debentures will be made current in the market, and thus enable parties to borrow on better terms.²⁸ The government was not going to increase the debt of the city at all. The loan was to be made to the sufferers by the fire, and their property was to be mortgaged for the amount. Then after that the City of Montreal was to give its guarantee, and it was to be tied up by the provisions which prevailed in Upper Canada, by which in case of failure, to pay their engagements the whole assessed property in the City might be levied on by the sheriff. The government guarantee then came only after that, and could be merely nominal, it tended to increase the facility for obtaining the loan. It was well known that the Upper Canada Trust & Loan Company was ready to lend this money to individuals in small sums, at rates of interest, which would be too little for such sums in other circumstances.²⁹ He had understood [that] the corporation of Montreal had advertised, and that the Kingston Trust and Loan Company, which obtains eight per cent for advances, had agreed to lend money at six per cent, in case the guarantee of the Government could be obtained; and any one could see, that where the sums are not to exceed £500, and to be loaned to individuals, that those terms are favourable. The Government, he said, would not give the guarantee, unless the corporation of Montreal were pledged for the repayment of the loan. And to prevent difficulties similar to those which had occurred at Quebec, it would be provided, that the Company lending, shall deal in the first instance with the party borrowing, the loan to be held under mortgage; and it would only be when it could not obtain payments from them, that it could come ... [to] the Corporation of Montreal; and if the amount could not be raised by assessment, which was not at all probable, that it could call on the Government.--He did not believe, therefore, that the Province would lose a single shilling.³⁰

MR. BROWN said this explanation made the matter worse.³¹ [He] had never heard a more ruinous defence come from a politician--much less from a political economist. Why, Mr. Speaker--what does the hon. Inspector General now tell us? --that this loan is not sought to benefit the sufferers by the fire, that they are not parties to the scheme at all³². It ... was to be granted for the sake of the rich people who wanted to build their houses alongside those of the poor people.³³ Other persons in Montreal, the rich persons, who have not suffered, desire to have finer houses erected than the sufferers can or will build; and having passed a law to compel them to do so, they come to us for money to aid them in this scheme of coercion! And what else does the hon. gentleman tell us? That the Kingston Loan and Trust Company are kindly to lend the money at six per cent when their usual terms are eight--out of pure humanity!³⁴ The Montreal Corporation could borrow money, at par, and there was no necessity, as far as it was concerned for this guarantee.... The only parties to be benefitted were the Kingston money-brokers, and their demand was most unreasonable. Mr. Brown showed that the Kingston Company were [sic] to obtain first mortgages on all the houses built with the money,³⁵ the guarantee of the Corporation of Montreal to boot³⁶, which was worth par in the market,--and that, over and above this, they demanded the Provincial guarantee which was worth a premium of 15 or 16 per cent!³⁷ And give par for the securities!--give one hundred pounds for what is selling in England this moment for one hundred and fifteen or sixteen pounds³⁸, and transfer it to the London money market and pocket fifteen or sixteen thousand pounds by the operation!³⁹ Truly, the benevolence of the Kingston Loan Co. is miraculous.⁴⁰ This was the scheme of a Reform government.⁴¹ Mr. Speaker, it is clear this scheme of the Inspector General is a mere job for this Loan Company⁴². Canadian bonds were now selling at 15 per cent premium in the London market, then if this guarantee were given the Montreal debt would be as secure as the Provincial Debentures, and would, of course enable the Trust and Loan Company to borrow their money on as good terms

as the money could be borrowed on Provincial bonds. This proposal then was intended to give the Trust and Loan Company a sum of £15,000. Toronto has just got a loan of £100,000 at par, and Montreal at 98 per cent, and no guarantee was required to enable them to borrow on good terms.⁴³ They can need no better security than the City of Montreal--they want but the Provincial endorsement to enable them to get a larger share by the operation when they sell the securities on the London market, as they will do immediately. If this loan goes on, why should we not negotiate the money in the regular way, and get the benefit of the premium now given for our debentures in the London market? Why should we commensurate such a job for the benefit of these Kingston money brokers? But no good argument has been offered for the loan--every explanation given has only shown it in a worse light than it stood before.⁴⁴

MR. SOL. GEN. CHAUVEAU said the member for Kent had spoken as to fine houses, as if the object was to please the vanity of people, and to set aside the considerations of humanity. The proposition is not to build fine houses, but those which are fire-proof and to benefit individuals who must either sacrifice their property, or be placed in a situation to build according to the requirements of the ordinance recently passed. The hon. member had alluded to bonds being issued at par, although he had been told that none will be issued, and consequently there would not be a loss of £15,000 as he had stated.⁴⁵

MR. BROWN replied that the mere issuing of bonds did not signify: the loan would be transferred to the London money market, and have the same effect there as if bonds were issued in the ordinary way.⁴⁶

MR. SOL. GEN. CHAUVEAU continued: with reference to the sum voted for the relief of the sufferers by the Quebec fire, although the Government will lose, yet a large portion has been returned, and all is not yet due. If the law, however, had been followed out, there would have been but a small loss sustained; as the Government owing to this not having been done, had been bound to prove what should have been presumed in their favour. Parties who had not paid the interest regularly had had intimation that if those who can, should not do so, that there would be an assessment. The object in the present instance, he said, is to prevent the recurrence of another large fire. As to the Consolidated Loan Fund, the member for Kent is aware that it is intended for Upper Canada and will be applied on that section of the country for the promotion of public improvements.⁴⁷

MR. RIDOUT did not agree with the view taken by the member for Kent, although he was willing to admit that the measure would form a precedent for other appeals to the Government in case of singular distress arising from fires in other cities from which he hoped the Province will be spared many years.⁴⁸ [He] expressed his willingness to do everything that could be done for the relief of the sufferers by the fire at Montreal ... [and] looked upon this not merely as a measure of relief, but as one of insurance for the future⁴⁹. He considered it as the duty of the Province to render assistance on such an occasion, and hoped the Upper Canada members, would take as liberal a view as they could of the measure, and look on its introduction, as not only intended for Montreal, but to afford aid in erecting buildings in cities that shall have been visited with a similar disaster⁵⁰. All that he desired was to see that the guarantee of the Corporation should be so well secured by a sinking fund as to make it impossible that the government could hereafter be called on to discharge the debt.⁵¹ He should like to learn from the Inspector General ... whether the Corporation of Montreal had passed any by-laws, by which a sinking fund would be provided to meet any debt that might be incurred. He thought the Government should ascertain if that had

been done. He concluded by expressing his willingness to relieve a city, which had suffered so extensively as Montreal. If debentures were to be issued, then he would agree with the member for Kent, as to the loss which would be sustained by the Province in the London market; and although he could not go to the extent he did, yet he felt that the guarantee of the Government will enable the Trust and Loan Company to borrow again this identical sum on favourable terms, and will enable them to realize on the loan, more than two per cent, which they will at first sacrifice. The only difficulty that he felt was as to whether the Government was in a position to give the proposed guarantee, unless a sinking fund were established, which would prevent the probability of their being called on to meet the principal.⁵²

MR. VIGER opposed the motion on the ground that it would be imprudent to give a hypothèque for a loan like this upon all the property of Montreal. There had been no portions from the sufferers for it.⁵³

MR. TURCOTTE contended that this hypothèque was to be given for a work of prime necessity, for all the citizens of Montreal, and said that if the sufferers had not petitioned it was because their representatives were petitioning for them.⁵⁴

MR. PAPINEAU said the fire in Montreal, was one of those unforeseen calamities, against which nothing could guard⁵⁵. This was an occasion of misfortune of such consequence that⁵⁶ all the inhabitants of the Province⁵⁷ should sympathize with and⁵⁸ should feel it was their duty to come to the aid of the sufferers. In ordinary⁵⁹, isolated cases⁶⁰, when the damage is not so extensive ... the ordinary operation of charity will meet the exigency; and it is an honourable feature in the character of a people, that the sufferers [sic] in most cases, was aided by friends and neighbours to a better condition than that in which he was before the misfortune assailed him. But in this instance, in which the good feelings of the people of Montreal had induced them to contribute liberally, it was found inadequate to meet the losses that had been sustained, and therefore it was proposed to borrow, and no better mode could be devised than through the agency of the Municipality.⁶¹ So large a calamity as this could only ... be met ... by action of the whole community.⁶² He was glad to find the city of Montreal at last agreeing to introduced foreign capital, and to borrow on the credit of the Province another £100,000.⁶³ After answering some of the objections of Mr. Viger, he said the principle [sic] causes of complaint were first, that there had been too much delay, and second that not enough was to be done.⁶⁴ He thought a larger sum ought to have been asked, and more granted by the government, and more agreed to by the House. With reference to the fire at Quebec, money, he said, had been lent at four per cent, and the Province had come to the aid of the sufferers on that occasion⁶⁵, and he contended that something of the same kind ought to have ... been done for Montreal.⁶⁶ [He] was satisfied, in extending the same advantage to the citizens of Montreal in the manner proposed, that no loss would accrue to the country, as it was much more provident than that which had been adopted towards Quebec. It would render those who obtain aid more economical and punctual and would render the Corporation more exact and careful; and he conceived there should be no objections.⁶⁷ He approved the mode of repayment by small yearly instalments which was now proposed, as better than that of Quebec. He thought something might be granted as aid by the Province in the way of interest; but whatever was determined upon ought to be strictly enforced so that the Province should lose nothing which it did not intend to give. He thought the grant of credit to aid the credit of Montreal ought not to be denied.⁶⁸ There would be sufficient time, he said, to discuss the details after the principle had been established; the member for Kent would he was convinced, be satisfied that no loss would occur to

the Province: and he was sure that his benevolent feeling and goodness of heart, would prevent his offering any unnecessary obstruction to the passage of the Bill.⁶⁹

MR. BROWN in reply said the hon. member for Two Mountains had misconceived the nature of the measure, when he considers it founded on motives of humanity; and appeals to the House to give the proposed aid as a relief for distress. No one would be more ready to assist the cause of humanity than himself, and if a grant of money was proposed to relieve suffering--the result of the Montreal fire, he would heartily support it, to any extent for which a case was made out. But in the present instance the Corporation of Montreal say that better houses should be built than the owners of land wish to build, and to carry their point they get up this loan. It was not a scheme to benefit the poor, but to benefit the rich. The point to which he wished to call the attention of the Committee, had been incidentally mentioned by the member for Two Mountains, who says that the endorsement of the Government would enable parties to obtain money, but he (Mr. B.) contended that it could be obtained without such guaranty. The city of Montreal debentures are worth in the market all that the loan proposed giving. He repeated that Toronto debentures to the amount of £100,000, had just been sold at par, and the Montreal bonds were, he presumed equally good.⁷⁰

MR. INSP. GEN. HINCKS⁷¹ was astonished to hear a gentleman so well acquainted with business and monetary transactions, as the hon. member for Kent, comparing debentures that could be sold in the market, with the loan of small sums on mortgage that had twenty years to run, and when the interest must be collected with much trouble⁷² of course money could not be had on gages of small sums, at the same easy rates as on negotiable debentures.⁷³ Every person, he said, knew that loans of £500, would not command as high a price as debentures which can pass from hand to hand.⁷⁴

MR. BROWN replied, that did not affect the question. If the Corporation of Montreal are really responsible, they may as well issue their bonds. They can obtain what sum they may require, and the only object is to benefit the Kingston Loan and Trust Company. It was not a question of humanity, he repeated, but a scheme to benefit that institution, and to enable the citizens of Montreal to have better houses built.⁷⁵

Some long remarks [came] from MR. MACKENZIE in which he went back to some affair before the union, which he did not readily understand⁷⁶. After stating that he generally contrived to get into a minority, [he] said he could not support the measure under consideration. He had never seen so great a fire as that at Montreal and had remained from church on Sunday for the purpose of viewing the ruin it had made. But the question was, were they to adopt a plan for the benefit of the sufferers which was founded on no principle whatever. He alluded to the fires that had taken place in other towns, whose inhabitants did not come to the Legislature to borrow money to pay their debts. If the Government were about to adopt the principle of lending in such cases, the plan should be general. Money, he said, had been lent to Quebec and lost; and the Government would get what they wanted on the present occasion; but they would do themselves more injury in the end than they were aware of. Large sums of money had been subscribed at Montreal and elsewhere; and at the time when the fire occurred he understood from the papers, that insurance had been effected on the property that was destroyed, to the extent of sixty or seventy thousand pounds. As to the Government having any lien on property on which money might be lent, that could not interfere with an original mortgage, and consequently there would be no security of that nature. He wanted to know if those who had effected insurance were to have any portion

of the loan; and who were to pay the Insurance.... If a bill were brought in to relieve individuals who made application, which was not the case in the present instance, then he would give it consideration; but the measure should be a general one, and to such a bill he would offer no objections. He would vote for relief, but a scale ought to be laid down for the assistance of individuals who may have suffered. But the Government were not to guarantee a loan for one fire and not for another. The member for Two Mountains had said that the calamity was one against which no precaution could guard, but he was satisfied that it was owing to the neglect and inertness of the Corporation and citizens of Montreal, in not providing an adequate supply of water that the fire had committed such ravages in broad day-light. It was not long since, he said, that houses could not be let in that city; and those who would have hung him in 1837, boldly came out in 1849, and proposed to cut England adrift, because they could not rent their houses.⁷⁷

MR. INSP. GEN. HINCKS again rose and made some personal explanations relative to the appendix of a journal, which Mr. Mackenzie on a former evening had accused Mr. Hincks of concealing.⁷⁸

MR. J.A. MACDONALD intimated that it was five o'clock and that according to the election law, it was necessary that the Speaker should take the chair in order to swear in the Kamouraska Election.⁷⁹

The Committee accordingly rose⁸⁰.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Murney reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

Edward Malloch, Esquire, Edward Short, Esquire, Louis Lacoste, Esquire, Ovide LeBlanc, Esquire; Chairman, François Lemieux, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Kamouraska, be referred to the Select Committee appointed to try and determine

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the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in Committee Room No. 1, of the House, at the hour of Eleven in the forenoon.

Asa A. Burnham, Esquire, Ulric J. Tessier, Esquire, William Patrick, Esquire, Amos Wright, Esquire; Chairman, the Honorable William Badgley, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Huron, their Names were called over:--And the Honorable William Badgley not appearing within one hour after four of the clock;

On motion of Mr. Polette, seconded by the Honorable Mr. Macdonald,

Ordered, That the 74th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That the Honorable William Badgley, Member for the City of Montreal, having been appointed to serve as one of the Members to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Huron, and not having attended in his place within one hour after four of the

clock this day, being the day appointed for the swearing of the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.

The House, according to Order, again resolved itself into a Committee, to take into consideration certain Resolutions relative to the Guarantee of a Loan of One hundred thousand pounds to the Owners of building Lots in the City of Montreal whose buildings were destroyed by the late Fire,--and also, relative to the Guarantee of the payment of the Principal and Interest of the said Loan;

MR. INSP. GEN. HINCKS ... [moved] the first⁸¹ and ... named the second of the resolutions on the subject of the loan. He⁸² said, the member for Kent had stated that the object of the measure was to benefit the Kingston Loan and Trust Company, but⁸³ as to the alledged favour to the ... company, the fact was that ... [they] were in the habit of lending money at 8 per cent, and of course they would not do it at 6 per cent⁸⁴ without better security than a mere mortgage on the property. Mr. Viger, who had addressed the House in French, he said, was right in saying that the responsibility would be with the citizens of Montreal, and the liability of the Province, as he had stated, would be nothing. The bill would provide that the capability of the party borrowing must be ascertained by the Corporation. If a fire were to extend to a similar extent in another part of the Province, and the Corporation would step in, as in the present case, he would grant similar aid. That at Montreal had been of such magnitude, that it had attracted attention even in Europe, and large subscriptions for the relief of the sufferers had been made in England and the United States; and when foreigners are found acting in this manner, the Province could not be averse to acting in a similar liberal manner⁸⁵ [and] it was too much to say that the province would not give a merely nominal guarantee.... As to the security spoken of by Mr. Ridout that the Province would never be called on, he did not see how that could be done by a sinking fund.⁸⁶ There was a difficulty in providing a sinking fund, as the city of Montreal did not expect to have to pay any part of the loan; and it would only by in cases where the sum borrowed could not be obtained, that the Sheriff would be called upon to levy an assessment.⁸⁷

The first and second resolutions having been agreed to, the Committee rose.⁸⁸

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Murney reported, That the Committee had come to several Resolutions.

The report of the Committee, however, was not adopted.⁸⁹

MESSRS. BROWN and MACKENZIE ... [called] for the Yeas and Nays⁹⁰.

MR. INSP. GEN. HINCKS was not prepared to risk the issue of a vote⁹¹.

[The vote] was therefore postponed, the House being at the time rather thin.⁹²

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Ordered, That the Report be received To-morrow.

Ordered, That five hundred Copies of the Return relative to a Loan to rebuild the Houses consumed at the late Fire in the City of Montreal, which was presented the twenty-fourth of September last, be printed for the use of the Members of this House.

Ordered, That Mr. Seymour have leave of absence for one week from this day, on urgent private business.

Ordered, That Mr. Stuart have leave to bring in a Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday the twenty sixth instant.

On motion of Mr. Crawford, seconded by Mr. Langton,
Ordered, That all Railway, Canal, and Telegraph Bills set down for second reading upon the Orders of the day, not previously disposed of, be the first Orders of the day on Thursday next.

Ordered, That five hundred extra copies of the Bill to enlarge the Representation of the People of this Province in Parliament, be printed in each of the English and French Languages for the use of the Members of this House.

Mr. Cauchon moved, seconded by Mr. Crawford, and the Question being proposed,

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That the Order of the day for the second reading of the Bill to incorporate the Grand Trunk Railway Company of Canada, be now read;⁹³

MR CAUCHON moved to take up the Main Trunk Railroad Bill, as that⁹⁴ bill to repeal the⁹⁵ two clauses of the former⁹⁶ General railway act, which had stood in the way of this bill, had now passed the House and was before⁹⁷, and would undoubtedly pass, the Legislative Council⁹⁸. He did not see therefore, why the grand trunk bill should not be proceeded with⁹⁹ [and] presumed there would be no objection¹⁰⁰.

MR. FOURNIER opposed the motion as not being regularly on the orders of the day.¹⁰¹

MR. INSP. GEN. HINCKS said that he had taken legal opinions about the importance of the clause in the general railway bill, which it was supposed stood in the way of the present bill, and now believed they need not be repealed.¹⁰² [He] said, the more he looked into the Act referred to, the more satisfied he had become that no necessity existed for repealing the two clauses referred to; and several gentlemen who had given it more consideration than at first, had been induced to change the opinion they entertained, when the subject was under discussion. Although it had been deemed advisable to repeal the clauses of the former Act, there could be no objection to going on with the bill, and thus enable the Railway Committee to investigate the subject; and before the House could get through with the bill, the original Act would be amended.¹⁰³

MR. BROWN did not understand these sudden changes.¹⁰⁴ [He] considered the objection as remaining in full force; and would not believe that the Attorneys General had so suddenly changed their opinion.¹⁰⁵ He had too great respect for the law officers of the crown to believe that what they thought right the other night they thought wrong now.¹⁰⁶

MR. AT. GEN. DRUMMOND said he had not changed his opinion; neither had the Inspector General stated that he had. The question at issue, was as to the interpretation of the law.¹⁰⁷ He never thought it was necessary to repeal the clauses of the railway bill; but only thought it desirable to do so to prevent mistakes and doubts on the part of judges for the future. He had said so the other night, and did not readily change his opinion.¹⁰⁸ He had said at first, that he considered the bill referred to, repealing the changes of the former Act as unnecessary; but he thought it expedient to pass it, that Courts of Justice might not be embarrassed; and that companies that were so disposed, might not be prevented from investing their capital. He then referred to the former Act to show that the clauses referred to had been rendered nugatory by another

provision; and contended that without such provision, one Legislature would not control the action of one that met subsequently, in the way it was assumed.¹⁰⁹

MR. BROWN was quite sure the Attorney General could not have changed his mind so suddenly. They thought it inexpedient two nights since to proceed with the present bill, until an Act passed repealing that of the last session, and the same objections existing then, exist now¹¹⁰ for at present the law was not repealed.¹¹¹ He therefore retained his objections; and did not see how the House could go on with the bill. Until the bill which had been sent to the Legislative Council became a law, anything the House might do would be null and void. He contended that the bill had not been brought down in a proper shape; that there was no assurance that the head of the Government had given it his assent, it ought to have been a government measure, and, its members should not have shirked the responsibility which attaches to it.¹¹² Besides, why did not the ministry take this measure in their own hands? It was just because they dared not explain their railway policy.¹¹³ The Government had not yet ventured to explain the residuary policy they intend to pursue¹¹⁴. The House could not properly proceed with this matter until it knew whether the government sanctioned the expenditure of public money, which was involved in it.¹¹⁵ Before acting on the bill the House had a right to the fullest information, and especially to peruse the correspondence with Mr. Jackson¹¹⁶ relative to the railway legislation.¹¹⁷ The members of the Government should explain why, after proclaiming the companies legalized last session, they altered their minds, and called on the companies they themselves authorized, to give up the charters they had obtained. What are the terms of their new scheme and on what arguments does it proceed? Until¹¹⁸ the House ... had in print the whole of the correspondence now before it¹¹⁹ he trusted ... [it] would not proceed with the bill.¹²⁰

MR. CAUCHON said, the House was the judge of the question at issue, and it was a fallacy to suppose that the proceedings of one Legislature could bind one that succeeded it. The object which it was proposed to effect is an important one, and they should not hesitate about adopting it. It was of no consequence whether the Government favoured the measure or not, although he admitted it must be introduced with its sanction; and which, perhaps, it ought to have taken in hand. His object, he said, was to get on with the bill as fast as possible, and he did not care where it originated. If, by losing time, an opportunity were lost of having a railroad for three years, which the Province ought to have, it would be a subject of deep regret. He was actuated by no party motive when he took the course he had done, as he conceived the member for Kent had. He was on principle opposed to the Government; but when it comes forward with a good measure, he would support it, and hoped no objection would be made. In one or two days the bill repealing the clauses of the former Act will have been passed; and therefore they ought to proceed with that which he had originally introduced.¹²¹

An appeal ... [was] made to the Speaker, as to whether the motion was in order.¹²²

MR. H. SMITH, of Frontenac, said, before his decision was made, he would suggest that it was merely asking him to decide a point of law. With reference to the main question, the application of the law in the bill before the House, he must confess that if he had looked at the Act of last Session with the same care which he had done since the subject was last under consideration, he would not have given the opinion he did.¹²³ Mr. Smith thought the two clauses of the General Railway bill did not stand in the way of the bill before the House; and in view of the importance of getting the railway bill, desired to go on with it at once.¹²⁴ It was to be regretted that the Government had not adopted the bill; but although it was not a Government measure, the responsibility of the Government

is as much involved as if they had introduced it¹²⁵ [and he] thought the bill was essentially a government bill as it stood.¹²⁶ The two highest law officers of the Crown have given an opinion, and the Speaker ought not to decide the question which had been raised, as it might be at variance with the opinion of the law officers of the Crown, and the majority of the House.¹²⁷

MR. MORRISON contended not only that the two clauses in the general railway bill did not bind the present Parliament; but that it was unconstitutional to pretend they did. It was clear that no Parliament could possibly diminish the power of those representatives of the people who were to succeed them.¹²⁸ Such language, he said, was not only strong, but reasonable.... [He] was sorry the Bill that had been sent to the Legislative Council had passed the House; as, if gentlemen could take up any constitutional work, it would prove conclusively that one parliament could not restrict the powers of another; and this was not only reasonable, but any other opinion would be an absurdity. The only thing he regretted was, that the members of Government had¹²⁹ ever admitted so bad a precedent as that established by their introduction of the repealing bill brought in another night¹³⁰ [and had] allowed the precedent to appear on the records of the House, as Parliament had declared all such Acts as that of last Session void. He read from works on Parliamentary¹³¹ [and] constitutional law¹³², in support of his view of the subject; and said, no stronger reasons could be adduced, to show that one Parliament cannot bind another; and that the House of Commons has no right to diminish powers, because it represents the privileges of the people.¹³³

MR. R. CHRISTIE (Gaspé) was humbly of opinion that the passage through the House of the bill which had been read a third time last night, would virtually repeal the two clauses of the General Act¹³⁴ just as well as a special repealing act.¹³⁵ The thing appeared to him to be so plain that a moment of time should not be wasted in its consideration.¹³⁶

MR. J.A. MACDONALD said there was nothing absurd in the general railway law. The clauses in question were intended not to shackle the hands of the Legislature; but to prevent parties from coming forward with multiplied railway bills, not intended to go farther than the act. Of course the House could not be shackled¹³⁷. The repealing power might be exercised in one of two ways, by passing a special act, or impliedly by inserting in a bill about to be passed a clause inconsistent with the one to be repealed. The inconsistency is in itself a proof to the courts that the previous act was repealed. It was much to be regretted that the business had been interrupted by this obstruction, and¹³⁸ that the mistake of the law officers had occurred; that in fact officers of the crown were not quite up to the law of the case.¹³⁹ He thought that the House ought to hold the responsible advisers of the crown responsible for the check, and for not examining the clauses of the General Act.¹⁴⁰

MR. AT. GEN. DRUMMOND--The Government had nothing to do with the passing of that act. It was a private measure.¹⁴¹ He never saw ... the bill ... in his life till introduced by his hon. friend from Verchères.¹⁴²

MR. J.A. MACDONALD knew that the consolidation Railway Act was not introduced by the Government, but it passed through the House with the cognizance of the Government: it became law: and the Attorney General ought to have known the state of the law: but¹⁴³ [he] did not think the general railway bill a private bill¹⁴⁴. Could any person really say that that gentleman's Act was a private bill? The Attorney General East had said so, but would the Premier back that assertion?¹⁴⁵

MR. INSP. GEN. HINCKS would certainly say that it was a private bill.¹⁴⁶

MR. J.A. MACDONALD thought that the hon. Gentleman would have to come to the rescue of his colleagues. He ought certainly never be out of the way after the awful mess they made of this matter on Friday night. (Laughter.) Despite that hon. gentleman's assistance, he must, however, as an humble member of the House hold those learned gentlemen responsible for not knowing the law on this point, willing as he was to admit the great legal fore [sic] of the Attorney General East on all subjects but this.¹⁴⁷ At the same time he saw no good in delay.¹⁴⁸

MR. AT. GEN. RICHARDS in reply to the taunts of Mr. McDonald¹⁴⁹ said that, as the hon. gentleman had been so kind as to compliment him with respect to this measure, he must beg leave to remind the hon. gentleman that when the constitutionality of the 5th and 6th clauses of the Railway Act was under discussion, his former colleague (Mr. Badgley) declared in the most emphatic manner that if the Charter of the Main Trunk line Company were passed by the Legislature, it would be declared null and void by the law officers of the Crown¹⁵⁰, if sent home to England.... For his part he had no such strong opinion¹⁵¹. The hon. member for Kingston differed totally with that hon. gentleman, for he appeared to think that those clauses would have a binding effect. Here, then, was a clear difference of opinion between the hon. gentleman and his late colleague. Now, he really did not think that there was anything censurable in the action of the Government in bringing in a bill for the express repeal of those two clauses, as there appeared to be a general wish on the part of the House that that course should be taken.¹⁵² He thought the repealing act would do no harm and that it and the present act might go on together.¹⁵³

MR. J.A. MACDONALD had heard that the member for Montreal (Mr. Badgley) had so expressed himself, and that the Attorney General East had concurred in his opinion.¹⁵⁴

MR. AT. GEN. DRUMMOND. Not at all. He had denied the correctness of the views of the member for Montreal.¹⁵⁵

MR. J.A. MACDONALD. Well, in that case,¹⁵⁶ that only showed that the ministry transfer[ed] the responsibility which belonged to them,¹⁵⁷ from the Treasury to the opposition benches¹⁵⁸, as the hon. member for Kent said they understand responsible government. (Laughter.)¹⁵⁹ It was merely another instance of the willingness of Government to hand over their responsibility to any body who would assume it.¹⁶⁰

MR. CAUCHON argued that the question before the House was a question of law, and not a question of order, and, therefore, that it was not for the Speaker but for the House to decide whether it was competent to proceed with the bill.¹⁶¹

MR. BOULTON deprecated any unnecessary waste of time in opposing the bill. It was quite clear that¹⁶² the law to repeal the two clauses of the general railway bill had passed that House and would shortly pass the other. He withdrew all opposition to the present motion, because he thought delay of a few days a matter not worth contending for. He maintained the law while it existed, now [that] it was repealed he gave it up.¹⁶³

MR. SOL. GEN. CHAUVEAU argued the question on the ground taken by Mr. Cauchon.¹⁶⁴

A few words [came] from MR. TURCOTTE and MR. PRES. EX. COUN. CAMERON.¹⁶⁵

MR. AT. GEN. DRUMMOND begged leave to say a few words in reply to the grave accusation made against him as a member of the Government, by the member for Kingston. As an individual he was quite willing to submit to any attacks. No

one paid less attention to assaults when made on him as an individual; but when assaults were made on him as a member of the Government, he should hold every member of the House responsible for the charge made against him. When the hon. member for Kingston came down and said that he would hold himself and his hon. colleague (Mr. Richards) responsible for the check of business, as law officers of the crown, he should like to see that hon. gentleman attempt to fix the responsibility. He should like to see the¹⁶⁶ hon. member for Frontenac get up again and with that flippant air of a censor which had marked him since the beginning of the session, point out where they were responsible.¹⁶⁷ In fact, he rather enjoyed the pleasing manner with which the hon. gentleman administered a lecture; but when he went so far as to accuse himself and his colleague (Mr. Richards) of any act of omission or commission, he would like to know what imputation of negligence could be thrown on the Government because those two clauses were inserted in the Consolidated Act. Was it on that ground that the hon. gentleman founded his accusation? If it were not, then he would say that he proposed, and the Attorney General west concurred in the proposal, that those two clauses should be repealed.¹⁶⁸

MR. J.A. MACDONALD understood the Attorney General to say that he rather enjoyed the style in which he (Mr. Macdonald) had administered a castigation: now, he thought that the hon. gentleman did not enjoy it at all.¹⁶⁹ The hon. member said he liked personal attacks. If he did he showed his pleasure in a singular way.... The hon. member ... seemed to be anything but so placid as a gentleman with the even temper he boasted might be expected to be. And what was this all for? Because he (Mr. McD.) had in a good humoured way joked about the confidence which the hon. member appeared to have in the judgment of hon. members, on his (Mr. McD's) side of the House.¹⁷⁰ He had certainly endeavored to be as good humored as possible; and if his style were somewhat flippant, it was nevertheless excessively disagreeable [*sic*] to the hon. gentleman, as it struck him in a spot where he felt his own weakness. (Hear, hear, and laughter.) The hon. gentleman had dealt very lightly with him, however, in calling his style "flippant", when he recollected that on another occasion, when the member for Haldimand had struck him on another weak spot, he had talked about that hon. gentleman¹⁷¹ [as] a worm¹⁷² "leaving his loathsome slime on everything that he crawled over." He was really indebted to the Attorney General for letting him off so easily. He would repeat what he said before that he would hold that gentleman and his colleagues responsible for their ignorance of the law.¹⁷³

MR. AT. GEN. DRUMMOND.--How are you going to hold me responsible?¹⁷⁴

MR. J.A. MACDONALD said they were clearly responsible¹⁷⁵ to the House, and at the bar of public opinion; and they know it well. They may not have had any hand in the introduction of that bill, but they were bound to know the measures and construction of the law of the land.¹⁷⁶ Now here was a session which was boasted of as a railway session, and yet the law officers of the crown, had advised and acted on a course, which they now seemed to think, and which their followers alleged to be unconstitutional.¹⁷⁷ What, when this country had a Parliament that was called a "Railway Parliament," when "Railway Politics" were said to be the only politics of that Parliament, had not the House and the country a right to expect that the two Attorney Generals should be thoroughly acquainted with the acts of the Parliament and that they should know the meaning of the General Railway Act? Had they not a right to expect that the Attorney Generals would be able to give an opinion without looking across the floor, to the Opposition Benches for assistance? Had they not a right to expect that those hon. gentlemen would be in a position to set the House right without asking the opinion of their predecessors?¹⁷⁸

MR. AT. GEN. DRUMMOND had never asked any one for his opinion.¹⁷⁹

MR. J.A. MACDONALD--Did not the hon. gentleman say that he was rather hurried, and that his attention had not been called to the act?¹⁸⁰

MR. AT. GEN. DRUMMOND had never said anything of the kind. He certainly could not think that the member for Kingston meant to put into his mouth words that he never uttered.¹⁸¹

MR. J.A. MACDONALD--Well, well: it was a mistake.¹⁸²

MR. AT. GEN. DRUMMOND must correct the hon. gentleman on another point. He had not appealed to gentlemen on the Opposition Benches for an opinion. He felt great respect for those gentlemen. He even felt some degree of confidence in their judgment; but he hoped that they would not return the compliment by declaring that they reposed the slightest degree of confidence in him; for if it were spread abroad through the country that these hon. gentlemen had any confidence in him, the public would begin to think that it was time to withdraw that support which he now so largely received. (Hear, hear.)¹⁸³

MR. J.A. MACDONALD.--The effect would be totally different. If he reposed any confidence in the hon. Attorney General, it might certainly damage him in a political point of view. It might cause the loss of his office, and the £800 a year attached to it, but at the same time, it would raise the character of the Attorney General in public estimation, both as a man¹⁸⁴, a politician¹⁸⁵, and a lawyer. (Loud laughter from all sides of the House.) That was his opinion as to the effect.¹⁸⁶ But upon this question of the legal knowledge of the government, he would remind the hon. member of another on the late discussion on the contested elections, did not one Attorney General vote one way and another another way? Did not one man thus declare one thing to be law and another another thing? He ... had shown no desire to embarrass the government.¹⁸⁷ He apologized to the House for occupying so much time with this subject, but he had been called up by the Attorney General. He had commenced the discussion very good humouredly, and regretted to find that the feelings of his hon. friend--if he might still call him so--were so easily lacerated. He was sorry for that hon. gentleman, who had become much too sensitive. One in his high position should at least be above the common weakness of humanity; and not permit himself to indulge in recrimination when reminded in a jocular way of the fact that he was not perfect.¹⁸⁸ A man of his high feeling should not mind these little attacks; but should consider it was the price he paid for greatness.¹⁸⁹

MR. INSP. GEN. HINCKS said that not only was the Speaker precluded by the practice of the House from giving his opinion on questions of law, but during the present session a bill had been introduced in direct opposition to the law. He was, therefore, of opinion that the House, itself, should decide whether this bill should or should not be proceeded with.¹⁹⁰

Several members: chair, chair.¹⁹¹

Some further conversation [ensued].¹⁹²

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Mr. Speaker stated as his opinion, that inasmuch as the fifth and sixth Sections of "The Railway Clauses Consolidation Act" provide that no Bill for a special Act for the establishment of a Railway shall be received by the Legislature until certain requirements prescribed by the said Clauses, shall be first observed and carried out, and the said Clauses being yet unrepealed; and this Legislature, if so disposed, having the power to repeal them, the Order of the day for the second reading of the said Bill cannot be proceeded with.

MR. J.S. MACDONALD the SPEAKER said that the opinion he had formed on this subject of Friday night was still unchanged. He held that the acts of last Parliament are obligations on the present Parliament until they are repealed. If any Act of the last Parliament were intended to take from future Parliaments the power of repealing, he would have no hesitation in saying that it was nugatory. As the Consolidated Railway Act contained no such clause, but solely provisions relative to the introduction of bills, he felt it incumbent on him to say that this bill could not be proceeded with until that act is repealed.¹⁹³ Those clauses were obligatory on the House.¹⁹⁴

MR. CAUCHON appealed from the Speaker's decision¹⁹⁵.

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And an Appeal being made from Mr. Speaker's decision; the House divided:--

Upon the question being put by the House the members almost unanimously stood up in favor of the Speaker's decision.¹⁹⁶

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And the decision of Mr. Speaker was confirmed.

On motion of Mr. Polette, seconded by Mr. Crawford, Ordered, That the 75th Section of "The Election Petitions Act of 1851," be now read:--And the same being read;

And the Honorable William Badgley not having been brought into the House within three hours after four of the clock, the swearing of the Committee to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Huron, was adjourned till the next meeting of the House.

The Order of the day for the second reading of the Bill to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture, being read;

The Honorable Mr. Cameron¹⁹⁷ moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That the Bill be now read a second time;¹⁹⁸

MR. PRES. EX. COUN. CAMERON moved the second reading of the Bill to establish a Bureau of Agriculture. It would be unnecessary for him to go into the subject at length, as the principle had already been fully discussed. It would be remembered that last year a bill to establish a Board of Agriculture was brought into the House, and at the suggestion of parties interested, who held that it was desirable to establish an intimate connection between the Board and the Government, the Inspector General was appointed ex-officio a member of that body. It was subsequently found that that officer could not attend to the duties; and as it was still thought desirable that a close communion should exist between the Government and the Board, and also that a connection should be formed with the statistical office, and the patent office, the question was brought immediately under the consideration of the Cabinet, and it was resolved to introduce all these various departments. By this bill, the President of the Executive Council is appointed head of the Bureau of Agriculture, and is also to superintend the management of the statistical office and the patent office. With this exception, no new principle was established by the bill; that portion of it which related to the Board of Agriculture being merely a copy of the bill of last year. The only change being that the sum to be raised by townships to enable them to form a township society, has been found too large and that the subscription has been, therefore [sic], reduced from £17 10s. to £10 for each township. It was also proposed to erect those societies into corporate bodies with the power of holding property. He thought it was unnecessary to say anything further by way of explanation.¹⁹⁹

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And a Debate arising thereupon;

MR. H. SMITH (Frontenac) was never more surprised than on the present occasion, to find a member of the Government get up, and in a speech of three minutes and a half propose the creation of a new Department which²⁰⁰ he believed the country did not want.... Not a petition had been sent in favour of it. It would involve a great expense to the country while its object was only to provide an office for the gentleman who had just spoken or rather to induce him to²⁰¹ [accept] the Presidency of the Council. He had expected to hear some good reason assigned for the creation of this office; but no, the hon. gentleman said it had been already thoroughly discussed; he should like to know²⁰² when or where²⁰³ that discussion took place. He expected to hear a statement of the benefits that the farmers are to derive from the establishment of the Bureau; but instead of that he heard that the miserable pittance which they now receive from Government is to be reduced from £17 10s. to £10. The fact was that the hon. gentleman did not know the provisions of his own bill, for he stated that the President of the Council is to be the head of the Bureau, and there is not a syllable of the kind in the bill. Instead of that, he found the following:--"the Governor in Council may establish and organize a bureau of agriculture, which shall be attached to one of the public departments." Now, what department does the President of the Council preside over? None. So that the bill is inconsistent with the avowed object of the Government; and not only that, but so fully were they convinced that the office is utterly useless, that they propose the holder of it shall receive no salary for the discharge of the duties. This is a mere blind, however, to induce the farmers to believe that there will be the utmost economy; but could they be induced to shut their eyes to the fact that there must necessarily be a large staff of clerks, and that the expense of the office--admitting that the head of the bureau received no pay--will be enormous? That is a difficulty the Ministry will have to get over. The hon. gentleman said nothing on that subject when he "discussed" the measure at Toronto; and if a paper called the Globe, published at Toronto, tells the truth, neither the hon. gentleman, nor his bill, was received very well by the farmers there.²⁰⁴

MR. PRES. EX. COUN. CAMERON.--That is not true.²⁰⁵

MR. SMITH.--Well, an hon. member of the House had informed him that there was nothing audible but²⁰⁶ guffaws²⁰⁷, hootings, cries, and noises, somewhat similar to those used to call coons from the trees.--(Hear²⁰⁸ [and] laughter.)²⁰⁹ He should have been glad to hear the hon. gentleman explain the powers with which the head of this bureau is to be invested; for he should like to know whether the House intended to confer powers, which might be used, under the eighth clause, in the most oppressive manner, not only towards agricultural societies, but towards every other institution in the country.²¹⁰ He read the 8th clause,²¹¹ which provided that all public institutions in the Province²¹²--agricultural societies, municipal councils, colleges, universities, mechanics' institutes, and public officers, will have to reply promptly to the official communications of the bureau of agriculture, and if they neglect to reply in a reasonable time they may be suspended from the exercise of their functions and privileges during the pleasure of the Governor in Council. (Laughter.)²¹³ That was the most extraordinary clause he had ever heard of.²¹⁴ Was there ever any thing so monstrous? Why the hon. gentleman might close the Bank of Montreal if they did not reply at once to some communication couched, perhaps, in a style--that might not be exceedingly courteous.²¹⁵ Another clause provided that the hon. member was to be "ex-officio" chairman of Boards of agriculture. How was that? Was it to be out of his office or by virtue of his office that he was to be chairman? What did the hon. member

know of agriculture?²¹⁶ As a representative of an agricultural constituency, he could say safely that he had never heard one of the farmers whom he frequently had the pleasure of meeting express the slightest wish that the bureau should be established, or speak of the project in any other terms than those of derision. Personally, he could have no hesitation in pronouncing it a job²¹⁷ to provide for the hon. member for Huron a place.²¹⁸ And it was so considered by the whole press in the country, opposition and ministerial, with the exception of two or three hireling hacks, who could be bought to write anything.--The hon. gentleman had declared the Presidency of the Council to be useless, and then not knowing what other pretext to make use of to excuse his acceptance of that office, the job was perpetrated of erecting a new department, at a heavy expense to the country.²¹⁹ He made some further remarks ridiculing the bill, and professing attachment to the interests of agriculture which he contended would not be promoted by the bill.²²⁰

MR. STREET²²¹ was not much surprised at the objections made to the bill, because he had anticipated from the tone of the press that it would be objected to by gentlemen on his side of the House: but he felt that the interests of agriculture were so deeply connected with the measure, that he thought it should be supported on principle by all, let their politics be what they may. He did not care what the qualifications of the hon. gentleman who is to be at the head of the bureau may be as an agriculturist; nor did he look at the reasons which had induced the Government to establish the office; he looked solely to the interests of the agriculturists, and in this view he was glad that any cause had been sufficient to induce the Government to take this step. He was quite aware that the bill does not make any improvement upon the present law establishing the Board of Agriculture (hear); the Board of Agriculture can execute their duties quite as well as the gentleman who is to fill the office of head of the bureau (hear, hear): he admitted that boldly, but he looked upon the bill as a valuable measure²²². It made agriculture a distinct department of the Government and that was much.²²³ It would bring the agriculturists immediately into contact with the Government and thus give them a decided control over the views of the Government for the time being. For that reason he looked upon the bureau as giving the agriculturists greater power than they now have through the means of the Board of Agriculture. If the bill should pass, the agriculturists will then have a voice in the administration of public affairs, and will be able to bring that influence to bear on the Government of the country.²²⁴

MR. H. SMITH.--How?²²⁵

MR. STREET.--Simply by expressing their assent to or dissent from the views that the head of the bureau entertained.²²⁶

MR. H. SMITH.--But how are they to find out his views?²²⁷

MR. STREET.--It is his duty to declare the views that he entertains relative to all subjects which may appear to be of advantage to agriculture. Now,²²⁸ the fourth clause of the bill he disapproved of²²⁹. With respect to ... [this] clause ... according to which the minister is to be president, ex-officio²³⁰, [and] chairman²³¹ of all Boards of Agriculture which may be, or shall be established; and which also gives the Governor in Council²³², [who represents] the Government²³³, the power of nominating a Vice-President to such Board[s], he begged leave to state that the Board of Agriculture dissented entirely from that portion of the bill. (Hear, hear.)²³⁴ It was the opinion in Upper Canada²³⁵, [and] the Board ... that the appointment of those officers ought not to be vested in the Government, but that each body should be left to appoint its own officers. (Hear, hear.) He was instructed²³⁶, [by] the Board²³⁷, to object to that clause in toto, and

in fact he had understood that it was to be dropped by the Government. The member for Frontenac had made an allusion to the reception which the President of the Council met with in Toronto, when he explained to the people the views that the Government entertained with respect to this bill, and stated that he had received his information from a member of the House. The member for Frontenac had no doubt alluded to him; but he could only deny that he had ever given the hon. gentleman any such information. He had presided over the meeting in the St. Lawrence Hall --a very large and respectable meeting; and it is true that he heard certain offensive expressions used, but he could assure the house that the President of the Council was listened to with a degree of patience which entirely surprised him, when he recollected the very objectionable words called out when the hon. gentleman entered the room. His explanations were listened to with a degree of interest that he had not anticipated. The people listened with quietness and attention; but as to the principles of the bill being discussed at that meeting, he must say that they were not discussed. No person got up to discuss them. The President of the Council explained the views of the Government, and the general features of the bill; but there was no discussion--none whatever. As to the eighth clause of the bill²³⁸, he complained that the hon. member from Frontenac²³⁹ had taken a more technical objection to it, had taken a mere lawyer like view of the subject²⁴⁰ instead of discussing the merits of the bill upon the principle.²⁴¹ He was satisfied that that objection did not affect the principles of the bill, and that it would be remedied on a committee of the whole; and he was equally satisfied that the eighth clause was never intended to refer to the banks, but solely to the agricultural societies. He had said that he did not look to the cause which had induced the Government to establish the office. The member for Frontenac said that it was established for a particular purpose. That might be the case. He was not one of those who believe that the office of President of the Council is useless. He believed it to be one of the most important offices that gentlemen on the Treasury Benches could fill; and he believed that if the hon. gentleman who now fills that office faithfully discharged all the duties imposed on him by the bill, he would have quite as much to do as he could attend to: but though he entertained those opinions, it was not for him to say whether the Government had acted wisely or unwisely. It was quite sufficient for him to know that the Government, no matter what may have been the inciting cause, were disposed to act more favourably towards the agriculturists than at any former period. Whether the Government did, or did not institute this office for the purpose of covering up the President of the Council, he, as an agriculturist, and as the head of the agricultural board of Upper Canada, was prepared to support the measure, as he perceived the good which might be derived from it; and he would say that the whole board of agriculture and the whole of Upper Canada are in favour of the principle of the bill. That board²⁴² represented the agriculturists of Upper Canada, and was elected by them.²⁴³ [It] represents the views of the people in all purely agricultural matters quite as much as the House of Assembly represents the whole people on all general questions; and, as the head of that board, he could say that there was not a single dissident, excepting so far as the fourth clause, to which he had already alluded, was concerned. They were all in favour of bringing the agriculturists more nearly into connection with the Government, whatever might be the opinions of certain newspaper editors on the subject. Why look at their legitimate organ, the Agriculturist²⁴⁴--could any one point out a single word or a single line in that paper opposed to this bill? If no one could do so, what right was there to say that the farmers of Upper Canada are opposed to it?²⁴⁵ The hon. member for Haldimand had contended that the bill would be prejudicial [*sic*] to the interest of agriculture. How could that be?²⁴⁶ Mr. Street taxed hon. gentlemen with opposing this bill, merely because it

emanated from the Ministry, and challenged them to produce a single tangible reason why it should not pass²⁴⁷.

MR. H. SMITH said, that according to the provisions of the bill, the amount to be paid to local agricultural associations was reduced from £17 10s. to £10.²⁴⁸

MR. STREET said ... ah, that shews the hon. gentleman knows nothing about it.²⁴⁹

MR. H. SMITH (Frontenac) enquired of the member for Welland, whether he, as Chairman of the meeting at Toronto, had not been obliged to entreat a patient hearing for the President of the Council²⁵⁰, the hon. member for Huron²⁵¹.

MR. STREET explained as he had²⁵² already stated that some objectionable expressions were used when the hon. gentleman entered the Hall, and he might have been more strenuous in asking for a hearing than was absolutely necessary²⁵³ to preserve order at first.²⁵⁴ He had anticipated some trouble, because Toronto is one of the worst places in the country for that hon. gentleman. (Hear, hear.) Yes, one of the worst places, for Toronto is one of the most Conservative towns in the Province, and the bill would be opposed there just on the same grounds as would be taken by gentlemen on his side [of] the House--its emanation being from the ministry. It was a wrong principle, a damifying principle, that a measure would be opposed solely because it emanated from a ministry opposed to him in politics. Well, the persons present at the meeting listened to the President of the Council, with so much patience, that he (Mr. S.) thought it necessary to thank them--not the people of Toronto only, but the people from all sections of Upper Canada.²⁵⁵

MR. BROWN.--The hon. gentleman admits, then, that the President of the Council was opposed by people from all parts of the country. (Hear, hear.)²⁵⁶

MR. STREET could not tell who made the noise. It appeared however to proceed from all the persons present. (Hear, hear.)²⁵⁷

MR. ROBINSON regretted that he could not agree with the member for Welland as to this bill. What he complained of is, that the Ministry created this office and filled it up before obtaining the sanction of the House to such a step.²⁵⁸ He believed it was unconstitutional ... and contended generally that the department had been created for the single purpose of the ministry availing themselves of the services of the hon. member for Huron in the Council. He believed there was no necessity for this office, and he censured the irregular manner in which it was created.... The clerks and machinery necessary for the Bureau would cost the country a large sum²⁵⁹, although there is to be no salary paid to the Minister who fills it, and so well was this fact known that there was scarcely a reform paper in Upper Canada which did not oppose the bill.²⁶⁰ He read from several reform papers in Upper Canada, opinions against the bill.²⁶¹ The member for Welland wished the House to infer that the meeting of agriculturists in Toronto were in favour of the bill; well, that might be so, but every person knew that the decision of a public meeting was influenced very materially by the cunning with which a case was exhibited; and then, if a shout could be got up, everything passed off well. The hon. gentleman had also stated that the board of Agriculture were in favour of the bill--that might be so; and, perhaps in opposing the measure he was opposing the best interests of his constituents; but he thought not. Irrespective of any evidence from persons out of doors the bill was sufficient to condemn itself--everything good that it contained being already in existence: and everything new, being [an] abortion.²⁶²

MR. BOULTON believed that the interests of this country required that there should be a board of agriculture, but he contended the present bill was inadequate. He condemned the manner of creating the department.²⁶³ [He] did not think that any expression of opinion on the part of the House could be too strong with

reference to the action of the Government. If the bureau were [sic] necessary, the Government should have come down and asked for permission to create it, instead of creating the office first. But he conceived that the bill involved a great principle, and he thought it should not be discussed as a mere party measure. He was in favour of the principle of the bill, but not in favour of the abortion of a bill itself. He would not consent to a bill which created an important office, and then handed it over to a person who is to receive nothing for performing the duties; for he never yet knew the duties of any office to be properly performed, if those duties were unremunerated. If it was necessary to appoint such an officer as the Minister of Agriculture, let him be properly paid, and devote the whole of his time to the business of his office. If he did that, and if he were a competent person, there would soon be such information throughout the country, as would induce people who are now employed in the unprofitable cultivation of wheat, to enter into the profitable cultivation of flax, hemp, and tobacco. He should vote in favour of the second reading of the bill²⁶⁴ and endeavor to get it altered in committee so as to make agriculture²⁶⁵ a separate and distinct department²⁶⁶ of the Government, unconnected with statistics or any other thing²⁶⁷, with the understanding that he would object to the details.²⁶⁸

MR. INSP. GEN. HINCKS believed that the country would be in favor of the bill when its provisions were known.²⁶⁹ [He] had heard a great deal about this bill being intended to meet a particular case, and about the Ministry having no intention to establish an Agricultural Bureau till the member for Huron entered the Government. Now, it will be recollected, that it was not a very long time since the Provincial Agricultural Association was incorporated, and that efforts were constantly made by the agriculturists during several years, to have some member of the Government connected with the Association. Well, what was the result? For the purpose of effecting that connection, the Inspector General was made ex officio the head of the Board, but he found it impossible to attend to the duties of the office. The idea did not originate with the Government, but with the agriculturists, and²⁷⁰ for years²⁷¹ was pressed by them so forcibly on the attention of the Government that the Government did not like to resist. The Government then proposed the acceptance of this office to the member for Huron, without any concert with him.²⁷² The hon. member for Huron had the proposition pressed upon him by the Government and he did not in any manner originate [sic] it. He believed that great advantage to the country would result from this bill. He remarked upon the present system and the connection of the inspection [sic] general with it, contending (as we understood) that the same principle was only further extended by the present bill. With reference to the manner of creating the office, he stated that the hon. member for Huron had accepted an office which did exist by act of parliament with the understanding that other duties were to be connected with it.²⁷³ Of course it was known that the hon. gentleman has expressed himself in a very strong manner, with reference to the Presidency of the Council, and that, on that point, he (Mr. H.) differed with the hon. gentleman; and he would say, further, that the hon. gentleman rendered very important services, and can [render] important services in that office; and he would also say, that since he first entered the Government, he found that his duties would occupy double the time that he was really able to give to them. He conceived that he had shown that the idea of connecting the Agricultural Association with the Government did not originate with any of its members; and, in reference to what had been said about the mode of filling the office, he thought that a great deal of what had been said, was not sanctioned; as the Government had merely filled up an office already created by law, as the measure then under consideration, was intended solely to render the officer appointed more efficient.²⁷⁴ With reference to an expression of Mr. Boulton, he stated that he believed it was important for

the farmers of Canada to devote their attention to the growing of flax. The Bureau would be a very unexpensive [sic] mode of doing a great deal of good.²⁷⁵

MR. MERRITT had no doubt that a great majority of the House would sustain the Government, but he had yet to learn that the bill would confer any benefit on the country.²⁷⁶ [He] believed that²⁷⁷, if ever there was a measure which could inflict injury on agriculture, it was this one for the creation of a bureau.²⁷⁸ The government ought to have nothing to do with agriculture²⁷⁹. How was agriculture to be benefitted, except by the exertions of the individuals engaged in it, and by the exertions of the township associations? But this bill would cramp their energies, and subject them to the control of the Government. They were to be tramelled and confined by the minister of agriculture, instead of being left to their free individual action. The Inspector General said that he had had no time to attend to the duties imposed on him, but he would say that it was not the province of the Government to attend to it. There was too great a tendency to this system of centralization, and the effect of it would be, not only the destruction of individual energy, but a vast increase of expense to the country.²⁸⁰ The office would be expensive. You could not have an office and clerks, &c., without a heavy sum, although the head of it might cost nothing extra.²⁸¹ Did any one believe that a new department could be got up for nothing, with its staff of clerks to manage the finances, to correspond with the several Township Associations? Would the expenses of postage be nothing? The Government already pays out £10,000 to these societies [sic], but if this bureau were established, the expense would not stop there.²⁸² He contended that the expenses of the legislature had year by year increased. You could not add a department to the government and not enormously add to the yearly increase of expense.²⁸³ Every one must know that.²⁸⁴ The only way to benefit agriculture was to encourage learning, and not to clog it by connection with the government.²⁸⁵ If hon. gentlemen really wanted to promote agriculture, they should adopt means to raise the price of grain, instead of overwhelming the Government with new duties. They had already as much as they could attend to, and the imposition of new duties would only prevent them from attending to any properly.²⁸⁶

MR. BROWN said he fully concurred in what had fallen from the hon. member for Lincoln. He was quite prepared to discuss this bill, without any reference to the gentleman who filled the office of Minister of Agriculture. That was a by-gone subject. At the same time, it was of no avail that the Inspector General got up here and attempted to persuade the house that the creation of the office was not a job, a scandalous job. The whole country knew it to be so; and, if there had been any doubt on the subject, the repeated admissions of the hon. member for Huron himself, would have been sufficient to establish its true character. He had so often declared the office of President of the Council to be utterly useless, that he was forced to refuse it when offered for his acceptance; and this Bureau of Agriculture, and the Statistics, and what else, were piled on to cover up the job. (Hear, hear.) However, his was, as he had said, a by-gone subject, and so let it rest. But what the house had to do with, was the conduct of the ministry in creating this new department without the consent of Parliament. It was true, that under our system of government, the Cabinet had the right to assume the responsibility of any step which a sudden emergency might render necessary, and come down to Parliament afterwards, asking an indemnity for what they had done. This, doubtless, was the position the Government now held, in the matter before the house. He was quite willing that the question should be considered in that footing alone--that they should meet the two issues, whether the circumstances justified the Government in making so great a change in a valuable public Institution without the advice of Parliament, and whether that change was an improve-

ment to the existing system.²⁸⁷ The hon. member read from the existing acts, to shew the present system of agriculture. He contended that it was good, and that the introduction of politics would be to break it up. The effect of the present bill would be to make all the agricultural societies in the country look up to the government instead of depending upon themselves. That was pernicious.²⁸⁸ The country had heard much of the advantages this new Bureau was to confer--but, fortunately, the Bill put an end to Imagination, and reduced the argument to [a] certain substantive proposition. It was necessary to bear in mind, that the changes proposed in the bill, were not new; they have been before Parliament in several sessions. The construction of a national institution for the promotion of Agriculture was fully considered in 1850, and a bill framed and passed into law giving effect to the matured views of the Legislature. By referring to the preamble of that bill, hon. gentlemen will see that it had in view the very objects and no other than those which are sought to be made by this new change. The question of having a Minister of Agriculture was then discussed and rejected.²⁸⁹ The Bill would make the hon. member for Huron Chairman over all boards of agriculture, now or hereafter to be appointed, and it would give the government power to appoint Vice-Presidents over them. The effect would be to introduce politics into the present agricultural societies, and that would split them up in a few years. Such a result would be deplorable. He asked what was the use of the proposed change? If to diffuse information, the farmers could get more from the gentlemen at the head of it.²⁹⁰ The deliberate decision of Parliament was in favour of a Board of Agriculture, entirely non-political, and controled [sic] by the farmers themselves. In the face of this decision, government has taken upon itself to overthrow all that has been done and establish a political department. Another bill was passed in 1851, regulating Township societies, County societies and a Provincial Association, and placing at the top of all the Provincial Board of Agriculture. It was an excellent system, and so far had worked admirably--but now it was all changed. Instead of a system working upwards through the experience of practical men--there was to be an Agricultural King as the centre of power who was to work his views and notions down through the mass, by means of his Lieutenants to be appointed by him over every local society! When the learned President of the Council came down with such a scheme as this, it was at least to have been expected that he would have given some explanation; that he would have told us what necessity there was for a change--what evil there was in the old system which needed remedy--and what the remedy was he intended to apply.²⁹¹ Oh, said he, if both sides of the question were fairly laid before the farmers of Upper Canada, the result might have been different.²⁹² But no--he tells us this subject has been enough before the country--and we are called on without any argument to overturn an Institution which has conferred such vast advantages and erect political machinery to destroy all that has been done--²⁹³

MR. INSP. GEN. HINCKS would interrupt the hon. gentleman, so as to enable him to reason out his point. Under the old system, which was the object of so much admiration, a member of the Cabinet formed one of the board.--Did the hon. gentleman suppose that that officer had no duties to perform?²⁹⁴

MR. BROWN: Yes, Mr. Speaker, he had duties to perform. The Hon. Inspector General was the officer in question; it was doubtless his duty to preside on state occasions--to take the chair at public dinners, for instance (laughter). But I submit that is a very different case from what is contemplated by this bill. The practical conduct of the Institution was entirely in the hands of the Agriculturalists of the country--²⁹⁵

MR. INSP. GEN. HINCKS: And so it will be now!²⁹⁶

MR. BROWN: The hon. gentleman is entirely mistaken. The effect of the bill will be exactly as shown by the hon. member for Lincoln. It will reverse the working of the institution. Instead of the convictions of experience working their way upward, to be aided by executive action--the theoretic ideas of the minister of the day are to be instilled downwards through the masses. The energy of the societies will be trammelled--the Government will be looked up to for new plans and new aide, and self-reliance [will] be greatly lessened. Think of the farmer of Upper Canada being taught to look to the President of the Council for the introduction of a new kind of seed, for encouragement in the culture of Tobacco, or for some new improvement in the breeding of hogs! Are these fit employments for the political head of a Government department? Can they in truth be carried out? Is it well to replace the exertions of private enterprise, by a fictitious system of Government fostering? Why does not the hon. gentleman explain to us how he means to carry out the tasks committed to him by the Bill? We can understand all about the statistics, for these were obtained without the aid of this new Bureau--but what other practical function is he to discharge? Why does not the hon. gentleman tell us the proposed cost of this new department--the staff of clerks to be employed, and the salaries they are to receive? I am free to say, that if I thought this change would benefit the farming interest, I would readily support it, without regard to the manner of its introduction; but I have not yet heard an argument in its favour. The hon. member for Welland tells us there will be great advantage in having a direct connection between the Agriculturalists and the Government. But does not this direct connection exist already? Agriculture, sir, is the great interest of this country--all other interests depend on it--and every member of this House is too happy when he can find an opportunity to advance it. (Hear, hear.) What is the member for Oxford but a minister of Agriculture? And what else is the Chief Commissioner of Public Works? Are not the great ends of the departments of these officers, to regulate our commercial policy, and cheapen the prices of freight, so as to produce the welfare of the farmer? What suggestion is ever made for the promotion of agriculture that does not receive prompt and earnest attention? It is easy to make general allegations, but where is the proof of the necessity averred? The member for Welland says the Agricultural Association is unanimously in favour of this change; well, sir, if so, the hon. member for Simcoe's explanation is the only way of accounting for the fact. When a question is presented to any popular body in one point of view, we are very apt to be carried away by the prospects presented, without sufficient reflection, and the present is just one of those cases where this is likely to happen. Have the members of the Association seen this bill and considered its contents? I do not think they have, or they never would have given it their approbation. Have they observed and assented to the centralizing principle on which it proceeds? Are they willing that the controul of the local societies should be taken out of their own hands, and vested in a politician of the day, who is to be president of every society and to appoint every vice-president?²⁹⁷

MR. STREET said the society objected to that clause of the bill, and he was instructed to protest against it.²⁹⁸

MR. BROWN: Then, sir, they object to the whole principle of the bill! Is not the one sole object of the measure--to change the system of independent local action, into a piece of State machinery wielded by a political head? Every clause in the bill presents this as its object. The association object to this centralizing power, and they therefore prefer the present system to the new one--for this is the only difference between them. (Hear, hear.) The whole tendency of the legislation of the present Government is to engross more powers in the hands of

the executive of the day--a tendency decidedly in opposition to the genius of our municipal system, and most dangerous to the interests of the country.²⁹⁹

MR. PRES. EX. COUN. CAMERON: What power does this bill take from the people?³⁰⁰

MR. BROWN: A most important power--the appointment of their officers and the executive control. But in truth it is hard to tell what the bill does. It is full of vague generalities--so full that it may cover any power a grasping minister might seek to arrogate to himself or his deputies. (Hear, hear.) But Mr. Speaker, the grand objection in my opinion to this bill is that it will introduce politics into the agricultural societies. Hitherto, political feeling has been unknown to them, and, in my opinion, it is of vital importance that it should continue so. The present minister of agriculture is on the liberal side of politics: his political professions have placed him there: by his political influence he must be kept there. Does any man believe that he could refrain from using his power and influence as the head of such an institution, to strengthen the power of his party? He would not be human if he could! Are all these deputies of his to be then political adherents of the hon. gentleman? Dare he appoint others, as the leader of a party and a member of a party Government? And are these nominees of the Government at the head of every local society in the country, intended to be ex officio electioneering agents of the Government? And, sir, a liberal administration may not always have the reins. A conservative minister may one day occupy the Bureau--is he to reverse all that has been, and set conservative machinery to work? Undoubtedly he would and who could blame him. Then look at the questions that would be forced on the societies: our minister would be a free-trade man, and he would endeavour to impress his views on the society; the next would be a protectionist, and he would be no less earnest; and the result would only be strife and discord in the association where formerly were peace and good will. Let us, Mr. Speaker, profit in this matter by our own experience and the example of Great Britain. The agricultural societies of the mother country which have been crowned with such remarkable success, have no connection with the State and are not marred by political dissention. I warn, I entreat this House not to assume the responsibility of a measure which may ruin one of the most admirable institutions which any country has ever enjoyed. It is an old but a valuable adage that it is good to leave well alone--and I never knew a case in which it could so well apply. Has any necessity been shown for the change?--has any advantage been proved from it, but to make an office for the hon. gentleman from Huron? If there is any defect in the system now in force, let it be shown and corrected--but let us not risk the existence of an association from which so much good has been already reaped, for a paltry party expediency.³⁰¹

MR. MACKENZIE said the Bill repealed several acts, and that was good for trade, especially the printing trade--and he was surprised the hon. member for the County of Kent should make such an earnest and disinterested opposition to it.³⁰² Je suis en faveur du principe du bill, mais j'en désapprouve les détails.³⁰³ He believed the measure would do good for the country. Referring to the Board of Statistics he did not see that the person at the head of the Board did much. A blue book had been long looked for, and should be brought down before this. The hon. Inspector Genl. had better just call in upon him and stir him up. The hon. member for Kent had characterized the Bureau as a job, but he had been unable to make the electors of the counties of Huron, Bruce, and Perth, believe that it was.³⁰⁴

MR. J. SMITH (Durham) was in favour of the bill; and he believed that it was approved of by the people of both sections of the Province.³⁰⁵ He would like to hear gentlemen from agricultural constituencies express their opinions upon it.

He spoke in reply to several members, and held that the measure would benefit agriculture by diffusing information, and also tend to increase emigration from the same reason. He did not think that the bill would have an infurious centralizing effect, or that it would make the farmers look to the government instead of themselves.³⁰⁶ The member for Kent was, in his opinion, in error as to the effects the bill was likely to produce, and if the people of Upper Canada did not agree with the hon. gentleman, it was certainly not his fault, for the Globe newspaper had endeavoured to make it appear in the very worst possible light. Nevertheless, in spite of all the hon. gentleman's efforts, he believed that the farmers of Upper Canada are in favour of the bill to a man, for they must perceive that the union of all the societies, by the appointment of one head in connection with the Government, must necessarily have the effect of improving the present condition of agriculture, and give a higher tone to those publications which are intended for the information of the people of this province, and to induce people to come from other countries to settle here.³⁰⁷

MR. DIXON contended that agriculture had flourished under the present system, and that the effect of the present bill would be to break it up. He believed, with the hon. member for Kent that the bill would have the pernicious effect of introducing politics into the present system. The 8th clause contained one of the most tyrannical propositions that was ever made by any government. It would be tyrannical even in Russia. The hon. member read other clauses, which he commented upon. He agreed with the hon. member for Lincoln that the effect of the bill was towards centralization. He stated that the opinion of agriculturists in his part of ... [the] country³⁰⁸, Haut-Canada³⁰⁹, was that it was an infamous political job. The hon. member would not have been elected for the County of Huron, if he had tested that county fairly on this question. The general opinion of Upper Canada was that the bill was an infamous job. He condemned the clause of the bill which gave the government the power of appointing vice presidents. It was a provision which would place the whole agricultural system under the ministry.³¹⁰

MR. BROWN called the attention of the house to the fact that the bill proposed to appropriate public money, and ought, therefore, to commence in Committee of the whole.³¹¹

MR. J.S. MACDONALD the SPEAKER, however, said that as the main object of the bill was not to grant money, the money clause might be passed through committee hereafter.³¹²

MR. COM. PUB. WORKS CHABOT s'exprima à peu près en ces termes:

M. l'Orateur, le sujet qui nous occupe ce soir est d'une grande importance, je puis dire de la plus grande importance. Pendant longtemps l'agriculture a été loin de recevoir dans notre pays l'encouragement qu'elle aurait dû attendre; l'intérêt du cultivateur, cette source de la prospérité publique, a été malheureusement trop négligé parmi nous. On a laissé cette classe nombreuse de notre population lutter contre les difficultés sans nombre qu'elle rencontre, et le gouvernement, et la législature lui ont presque toujours tourné la tête; les efforts des cultivateurs pour améliorer leur condition ont été vus avec indifférence, et n'ont pas reçu, je le répète, ce degré d'attention, cette sympathie qu'ils méritaient de la part des hommes chargés de l'administration de nos affaires provinciales. Ce n'est que depuis quelques années qu'on a songé à favoriser l'établissement de sociétés agricoles, et qu'on a approprié certaines sommes de l'argent public à l'avancement de ce grand intérêt; cependant ça [a] été un grand pas, et les mesures adoptées par la législature ont fait un bien immense. Mais il ne faut pas en rester là; il faut quelque chose de plus; il faut que l'agriculture ait un représentant dans le gouvernement même du pays, un homme chargé de veiller à

ses intérêts, chargé de la protéger, de l'avancer, de l'améliorer, en employant à cette fin toutes les ressources, tout le pouvoir que tiennent en leurs mains ceux qui administrent les affaires publiques. Les sociétés d'agriculture, les associations de tous genres qui ont en vue de promouvoir l'agriculture sont sans doute propres à produire de grands avantages, je ne le nie pas; mais elles n'ont pas cette puissance, cette influence que peut exercer le gouvernement. Je ne prétends pas dire que tous les ministres de la couronne, quelque soient les départements qu'ils président, ne soient favorablement disposés à l'égard de l'Agriculture, mais chacun d'eux a son occupation, ses fonctions spéciales, et l'on n'a pas le temps de consacrer aux questions agricoles cette étude attentive et constante qu'elles requièrent. Un ministre de l'agriculture, comme on en voit en France, et dans beaucoup d'autres pays du monde, un ministre chargé de porter ses regards sur toute l'étendue du pays, de surveiller les intérêts généraux de l'agriculture, d'employer toute l'influence du gouvernement pour favoriser le développement des ressources agricoles, et pour introduire dans ce pays les améliorations, les inventions nouvelles, les machines dont les opérations abrègent et accélèrent le travail de l'homme, un ministre, dis-je, chargé de cette mission, a, pour faire le bien, des avantages que ne possède aucune association d'individus. En servant de lien de communication entre ces associations qui existent ou les agriculteurs individuellement, et le gouvernement ou les autres départements publics, il peut effectuer un bien incontestable; les ministres chargés de l'administration des terres de la couronne et des travaux public [sic], pourraient aux moyens des renseignements ou des suggestions communiqués par ce ministre de l'agriculture, recommander des mesures ou des améliorations susceptibles d'influer favorablement sur la position du cultivateur, et le sort du pays en général.

Par exemple, croit-on qu'un ministre de l'agriculture ne pourrait pas avoir une influence considérable sur l'amélioration des voies de communication? Et dira-t-on qu'une amélioration de ce genre n'est pas d'un avantage incalculable pour le cultivateur? Quel changement n'avons-nous pas vu depuis quelques années qu'on a commencé à faire des chemins pontés ou macadamisés, d'ouvrir des canaux ou des chemins de fer? Le prix du grain s'est élevé de moitié. On se souvient sans doute des temps³¹³, in the winter³¹⁴, où le cultivateur était obligé de sacrifier pour ainsi dire ses produits, en les vendant à vil prix au marchand de campagne. Ce dernier les achetait pour ainsi dire au prix qu'il voulait offrir; les paiemens du cultivateur devenaient dûs à la St. Michel ou à la Toussaint, et³¹⁵, in the autumn³¹⁶, le malheureux habitant disposait de son avoine pour dix à douze deniers le minot, de ses patates pour 15 ou 18 sous, de ses oeufs, de son beurre, et enfin de toutes ses denrées à des prix également peu rémunérateurs; et tout cela parce qu'il n'existait que des communications difficiles ou dispendieuses pour se rendre au marché, parce que l'agriculture était perdue de vue, parce qu'il n'y avait personne pour veiller à ses intérêts. Aujourd'hui, grâce à certaines mesures auxquelles j'ai fait allusion tout-à-l'heure, le cultivateur reçoit de la vente de ses produits une rémunération raisonnable.³¹⁷ As the prices were now rising contentment was becoming general.³¹⁸ Cependant cette rémunération devra devenir chaque jour plus considérable, par l'introduction d'améliorations en tout genre tant dans les voies de communication que dans les opérations de la culture.³¹⁹ These ... increased facilities of communication ... ought to be extended.... If the farmers were prosperous the rest of the community ought to be so also.³²⁰ La population agricole du pays est sur la voie des améliorations, du perfectionnement graduel, et il ne faut que l'aider, que lui applanir les principaux obstacles, que faire enfin pour elle ce qu'elle ne peut faire elle-même pour développer immédiatement sur elle un progrès sensible. Je crois qu'un Bureau d'Agriculture comme celui qu'on propose remplira cette mission.³²¹ Good agriculture, he repeated, had made immense strides in a period of from five

to six years, though it was not yet advanced so far as in Canada West and the United States. If this bill was intended to abolish the other agricultural societies and establish a centralization, there might be something to blame; but these societies would still exist.³²² On ne peut pas appeler cette mesure une mesure de décentralisation; les associations d'agriculture qui existent aujourd'hui continueront à fonctionner comme par le passé: on ne leur ôtera rien de leurs attributions³²³; there would only be a head and a chief. Another great object of the bureau would be³²⁴ [d'] obtenir des rapports, des renseignements³²⁵, to collect statistics, &c.,³²⁶ qui le mettent au fait des besoins de l'agriculture.³²⁷ As to some of the clauses which had been objected too [*sic*] he thought them the best of the bill, and not at all calculated to create a tyranny, as was alleged.³²⁸ Il regarde comme les meilleures du bill, la 8e section et les autres qui ont fourni matière à l'animadversion de certains membres.³²⁹ Agriculture would receive an impetus from the different improvements being made known, and the country would be improved. Among other things to be done was opening turnpike roads, which had hitherto been disliked in Lower Canada, because the people were alarmed at what they called a "tax." Though in fact they were always paying taxes under other names. He was quite sure, however that these roads would soon be generally made.³³⁰ La mesure aura donc mon entière coopération et je ne doute pas qu'elle ne soit populaire dans toute l'étendue du pays.³³¹

MR. TURCOTTE répondit en substance comme suit: Je suis loin, M. l'Orateur, de partager l'opinion de l'hon. Commissaire des Travaux Publics. Je crois que ce bill loin d'être populaire, sera reçu avec exécration par toute la province. Ce bill n'offre aucun moyen pratique d'améliorer l'état de l'agriculture; il ne fera qu'entraver l'action des sociétés d'agriculture déjà existantes. Il contient en outre des clauses odieuses et qu'un citoyen anglais doit repousser.³³² He understand[s] why the different agricultural societies of the Province should be obliged to make the kote to the great President of the Bureau, before they could advance a step in any of their plans. The whole scheme was a most complicated one. He was opposed to it on principle.³³³ La huitième clause, par exemple, est assurément un attentat à la liberté du sujet. Comment! on veut obliger les institutions publiques, collèges, universités, instituts, à répondre à toutes les questions qu'il plaira à M. le ministre de l'Agriculture de leur faire; on peut même leur poser des questions impertinentes, et si elles n'y répondent pas, elles seront suspendues par ordre du Gouverneur en Conseil! Non, il faut que cette clause n'ait pas été lue par les membres de l'Administration pour qu'on vienne nous demander ainsi notre assentiment. Je ne crains pas que l'Exécutif actuel abuse du droit qu'il réclame par cette clause que j'ai citée; mais on ne sait pas quel ministère lui succèdera, et si par malheur nous retombions encore entre les mains de gouverneurs arbitraires, quelles armes n'auraient-ils pas contre nos institutions les plus chères? Mais j'espère que cette clause disparaîtra du bill, parce qu'elle est intolérable, elle est certainement calquée sur la législation russe....

Je ne suis pas opposé en principe à l'établissement d'un Bureau d'Agriculture; mais je ne veux pas que les sociétés particulières soient tenues d'aller faire la courbette devant le ministre de l'agriculture, chaque fois qu'il s'agira de faire une dépense de £10; je ne veux pas qu'on leur accorde l'encouragement grain à grain, pour ainsi dire; si on veut établir un Bureau d'Agriculture que ce soit pour aider les sociétés et institutions agricoles déjà existantes, non pour restreindre leurs opérations et entraver leur marche. Le projet tel qu'il est présenté est la machine la plus compliquée qu'il soit possible d'imaginer, et c'est ma ferme conviction que le gouvernement sera incompétent à le faire fonctionner.

Ce qu'il nous faut principalement, ce sont des fermes-modèles; les sommes

qu'on emploiera pour faire fonctionner le ministère de l'agriculture, qu'on les emploie pour louer des fermes dans les différents comtés, qu'on les fasse cultiver par des agriculteurs expérimentés et instruits; bientôt le voisin imitera ce qu'il verra faire, le second voisin imitera le premier, le troisième imitera le second, et ainsi de suite.³³⁴ In Lower Canada the same routine which he had always known continued to be followed. Even at the exhibitions of the agricultural societies nothing was acquired by Jean Baptiste. He saw fine animals and admired them; but nobody explained to him how he could obtain the same things himself. For this, model farms were required, not an agricultural bureau.³³⁵ Ce n'est point avec des théories qu'on instruit une population qui ne lit pas; il faut l'exemple, la pratique, sans cela on ne fera rien de bon.

Tout ce qu'on a dit du progrès effectué depuis quelques années en agriculture n'est pas fondé sur des faits. Parcourez les campagnes; c'est toujours la même routine, toujours le champ de blé, le champ d'avoine, le champ de pois, et l'année suivante, la même chose. Les seules améliorations qui ont été introduites l'ont été dans le voisinage des villes, parce que là des capitalistes étrangers cultivaient la terre sur des plans améliorés, et donnaient le bon exemple aux habitants du voisinage. Cet exemple vaut infiniment mieux que les exhibitions où l'on montre de beaux chevaux et d'autres animaux, mais où l'on n'enseigne pas, où l'on n'explique pas quels moyens on a employés pour obtenir cette race améliorée d'animaux. Je voterai contre cette mesure, parce que c'est ma sincère conviction qu'elle ne peut être d'aucun avantage quelconque à la population agricole.³³⁶

MR. DUMOULIN ... dit qu'il croirait manquer à son devoir s'il ne fesait connaître sa manière de voir sur une question aussi importante. Non seulement, dit-il, je puis me dire ami de l'agriculture, mais j'ai encore l'avantage d'être agriculteur pratique. Je suis sincèrement d'opinion que les mesures qui ont été adoptées depuis quelques années, principalement l'établissement de Sociétés d'Agriculture ont beaucoup avancé les intérêts du cultivateur; et je crois aussi sincèrement que la mesure qu'on propose ce soir, loin d'avoir l'effet désiré, n'aura pour effet que de mettre des obstacles au bon fonctionnement des mesures déjà existantes.³³⁷ At the exhibitions he had observed since three years wonderful improvements [had been] effected.³³⁸ Je l'ai déjà dit, les Sociétés d'Agriculture ont fait un grand bien et en font espérer un plus grand encore. La culture des terres est déjà améliorée, malgré ce qu'en a dit l'honorable préopinant. Aux exhibitions auxquelles j'ai eu le bonheur d'assister, et j'ai le bonheur d'être le président d'une de ces sociétés (et j'espère pouvoir assister à celle qui aura lieu dans le comté de St. Maurice, le 20 de ce mois) je me suis convaincu que l'agriculture fait chaque année chez nous des progrès étonnants.³³⁹ In his county this was especially true of the horses, which were fetching prices never known before.³⁴⁰ L'amélioration dans la race des animaux est vraiment frappante. Nos chevaux sont enlevés par nos voisins à des prix inconnus jusqu'aujourd'hui.³⁴¹ But Jean Baptiste had thoroughly [sic] understood the existing law, and he had liked it because he managed it himself.³⁴² Le cultivateur canadien a fort bien compris l'importance des Sociétés d'Agriculture, et il n'a pas hésité à faire même un petit sacrifice personnel pour les mettre en état de procurer le résultat voulu; chaque année, il a donné ses cinq chelins; mais il tient aussi aux privilèges [sic] que lui accorde la loi.³⁴³ He must still, when he had paid his 5s., of subscription, have the right to elect his President, and he must also continue to name the Vice-President who must not be appointed by the Government and liable to be discharged at its pleasure³⁴⁴. La quatrième clause du bill qu'on présente ce soir, et qui enlève aux membres des Bureaux Provinciaux d'Agriculture le droit d'élire le Président de chacun de ces Bureaux sera certainement mal vue de toute la population agricole, principalement de ceux qui font partie de ces associa-

tions. Ces Présidents seront nommés par le Gouverneur et pourront être démis par lui: quels devoirs rempliront-ils? Quel inconvénient y aurait-il à laisser élire ces officiers par ceux qui les ont élus jusqu'aujourd'hui? Cette restriction, ainsi que les autres restrictions contenues dans ce bill, ne seront, dans mon opinion, d'aucun avantage; il vaut mieux laisser faire librement. Quant à la huitième clause qui impose à des institutions publiques l'obligation de faire certaines réponses à des questions qui pourraient leur être adressées par le Ministre de l'Agriculture, sous peine d'être suspendus [sic] par le Gouverneur en Conseil, je crois moi aussi qu'elle est arbitraire et qu'elle devrait être rayée du bill.³⁴⁵ Jean Baptiste ... would [not] admire the system of demanding replies by the minister.³⁴⁶

MR. SOL. GEN. CHAUVEAU: Cette clause est retranchée.³⁴⁷

MR. DUMOULIN dit qu'il y avait dans le bill d'autres restrictions qu'il serait sage aussi de retrancher, sans quoi il voterait contre toute la mesure.³⁴⁸ To have the thing done well, it must be done as at present en famille. With the present facilities, the improvements in farming would constantly proceed, whereas before, when no means existed for getting to market, large or small crops were indifferent to the farmer.³⁴⁹ Ce monsieur parla encore quelque temps, faisant voir l'avantage direct et indirect que peut retirer le capitaliste lui-même de la culture de la terre, et concourant avec M. Chabot dans l'appréciation de l'importance des améliorations dans les voies de communication.³⁵⁰

MR. D. CHRISTIE (Wentworth) regarde cette mesure comme très excellente; elle est approuvée par tout le Haut-Canada.³⁵¹ [He] ... affirmed the truth of what had been said in praise of the measure by the hon. member for Welland, who had ... the high honour of being the President of the Agricultural Society of Upper Canada; but there were other gentlemen who had no interest in common with agriculturists, who spoke in a sense directly opposed to that gentleman. For his part, who was a farmer, and who had been elected to the Agricultural Board by the Agricultural societies of Canada West, he thought this an excellent measure and one that would be generally approved of. The Board of Agriculture had approved of it, though a majority of that Board consisted of conservatives. He alleged that the whole of the disturbance at Toronto was caused by two individuals, and was satisfied that no agricultural constituency would support a member who voted against the measure.³⁵²

MR. CAUCHON thought there were many members who would like to have a bureau of agriculture, and even some legislation on the subject; but who did not like this bill.³⁵³ [Il] se déclare contre les détails du bill. Il s'étend longuement sur la 8e clause et sur l'esprit qui règne dans ce bill qui, s'il devenait loi, serait entre les mains du gouvernement, un engin puissant de tyrannie et d'oppression.³⁵⁴ Now there was the clause obliging corporate bodies to give information when asked for on pain of being suspended during the pleasure of the Governor. Take the Seminary of Quebec. Suppose they declined to answer questions, even because they did not choose to answer them. The effect might be that the 400 boys educated there might be turned adrift during the pleasure of the Governor in Council. The government wanted to find something for the Bureau to do, and so they meant it to tyrannize over the institutions of the country. Then the minister was to be ex officio President of all the Agricultural Societies in the country, and he would have his lieutenant in the person of the Vice-President named by him, the creature of the government to be present when not there himself, and probably to thwart all the good designs of the members. You might take that clause out; but what would be the consequence? You must then take out that other clause, which prohibited the expenditure of money without the permission of the President. It was said that was not centralization. If not what was? In France

centralization meant the possession by the government of a power in all the institutions of the country. It was the same thing here, and he was surprised to see this centralization advocated by men, who claimed to be the most advanced liberals; but who were thus attempting to introduce the most stringent forms of despotic governments.³⁵⁵

MR. PRES. EX. COUN. CAMERON tried to secure his bill, by saying that as the hour was getting late, he would be willing to refer the measure to a committee of the whole³⁵⁶.

Cries of "non!" and "no!" assailed him from every part of the House.³⁵⁷

MR. PRES. EX. COUN. CAMERON, the head of the Bureau, moved an adjournment of the debate until the following evening.... The gentleman ... said that he desired to reply to the objections urged while the subject was fresh in the recollection of Members.³⁵⁸

The Opposition and independent Members would not consent that the Government should have more than the two days a week allotted them, and ... this request was denied.³⁵⁹

(248)

On Motion of the Honorable Mr. Cameron, seconded by the Honorable Mr. Attorney General Richards,

Ordered, That the Debate be adjourned until Friday next.

The debate was adjourned till Friday without a decision.³⁶⁰

(248)

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Smith of Durham, seconded by the Honorable Mr. Attorney General Richards,

*The House adjourned.*³⁶¹

FOOTNOTES: 5 OCTOBER 1852.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 6 October 1852, PILOT, 8 October 1852, MONTREAL GAZETTE, 8 October 1852, QUEBEC GAZETTE, 8 October 1852, HAMILTON SPECTATOR DAILY, 11 October 1852, BRITISH COLONIST, 12 October 1852, EXAMINER, 13 October 1852, and HAMILTON SPECTATOR WEEKLY, 14 October 1852. The debate was also reported by GLOBE, 12, 14 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR, 6, 7 October 1852, and GLOBE, 7 October 1852. GLOBE, 14 October 1852, also contained a commentary on the debate, noting that "as the debate progressed, the whole thing was shown to be a job for the benefit of the Kingston Loan Company and its legal advisers...."
2. GLOBE, 12 October 1852.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID., 14 October 1852.
11. MORNING CHRONICLE, 6 October 1852.
12. GLOBE, 14 October 1852.
13. IBID., 12 October 1852.
14. IBID., 14 October 1852.
15. IBID., 12 October 1852.
16. IBID.
17. PILOT, 8 October 1852.
18. GLOBE, 12 October 1852.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. PILOT, 8 October 1852.
24. GLOBE, 12 October 1852.
25. PILOT, 8 October 1852.
26. GLOBE, 12 October 1852.
27. PILOT, 8 October 1852.
28. GLOBE, 12 October 1852.
29. PILOT, 8 October 1852.
30. GLOBE, 12 October 1852.
31. PILOT, 8 October 1852.
32. GLOBE, 12 October 1852.
33. PILOT, 8 October 1852.
34. GLOBE, 12 October 1852.
35. IBID., 14 October 1852.
36. IBID., 12 October 1852.
37. IBID., 14 October 1852.
38. IBID., 12 October 1852.
39. IBID., 14 October 1852.
40. IBID., 12 October 1852.
41. IBID., 14 October 1852.
42. IBID., 12 October 1852.

43. PILOT, 8 October 1852.
44. GLOBE, 12 October 1852.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. PILOT, 8 October 1852.
50. GLOBE, 12 October 1852.
51. PILOT, 8 October 1852.
52. GLOBE, 12 October 1852.
53. PILOT, 8 October 1852.
54. IBID.
55. GLOBE, 12 October 1852.
56. PILOT, 8 October 1852.
57. GLOBE, 12 October 1852.
58. PILOT, 8 October 1852.
59. GLOBE, 12 October 1852.
60. PILOT, 8 October 1852.
61. GLOBE, 12 October 1852.
62. PILOT, 8 October 1852.
63. GLOBE, 12 October 1852.
64. PILOT, 8 October 1852.
65. GLOBE, 12 October 1852.
66. PILOT, 8 October 1852.
67. GLOBE, 12 October 1852.
68. PILOT, 8 October 1852.
69. GLOBE, 12 October 1852.
70. IBID.
71. GLOBE, 14 October 1852, commented that: "Mr. Hincks explained that the Company were to collect the mortgage money,--but the secret of this transpired in the debate, inasmuch as the fees on the searches and mortgages would go into the pockets of two hon. members of the House of Assembly, to the tune of two or three thousand pounds!" A more outrageous job was never perpetrated: and it in part accounts for the amiable feeling existing between the Inspector General and the leader of the legitimate opposition."
72. GLOBE, 12 October 1852.
73. PILOT, 8 October 1852.
74. GLOBE, 12 October 1852.
75. IBID.
76. PILOT, 8 October 1852.
77. GLOBE, 12 October 1852. The ellipsis represents illegible words.
78. PILOT, 8 October 1852.
79. IBID.
80. IBID.
81. GLOBE, 12 October 1852.
82. PILOT, 8 October 1852.
83. GLOBE, 12 October 1852.
84. PILOT, 8 October 1852.
85. GLOBE, 12 October 1852.
86. PILOT, 8 October 1852.
87. GLOBE, 12 October 1852.
88. IBID.
89. IBID.
90. IBID.
91. IBID.

92. IBID.
93. The following papers noted the debate on this matter in identical accounts: HAMILTON SPECTATOR DAILY, 7 October 1852, GLOBE, 7 October 1852, BRITISH WHIG, 7 October 1852, MONTREAL GAZETTE, 7 October 1852, BRITISH COLONIST, 8 October 1852, OTTAWA CITIZEN, 9 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, and BATHURST COURIER, 15 October 1852. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 6, 7 October 1852, PILOT, 8, 9 October 1852, MONTREAL GAZETTE, 8, 9 October 1852, QUEBEC GAZETTE, 8 October 1852, HAMILTON SPECTATOR DAILY, 11, 12 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by GLOBE, 14 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 6 October 1852, HAMILTON SPECTATOR WEEKLY, 7 October 1852, and GLOBE, 7 October 1852.
94. GLOBE, 14 October 1852.
95. MORNING CHRONICLE, 6 October 1852.
96. GLOBE, 14 October 1852.
97. MORNING CHRONICLE, 6 October 1852.
98. GLOBE, 14 October 1852.
99. MORNING CHRONICLE, 6 October 1852.
100. GLOBE, 14 October 1852.
101. MORNING CHRONICLE, 6 October 1852.
102. IBID.
103. GLOBE, 14 October 1852.
104. MORNING CHRONICLE, 6 October 1852.
105. GLOBE, 14 October 1852.
106. MORNING CHRONICLE, 6 October 1852.
107. GLOBE, 14 October 1852.
108. MORNING CHRONICLE, 6 October 1852.
109. GLOBE, 14 October 1852.
110. IBID.
111. MORNING CHRONICLE, 6 October 1852.
112. GLOBE, 14 October 1852.
113. MORNING CHRONICLE, 6 October 1852.
114. GLOBE, 14 October 1852.
115. MORNING CHRONICLE, 6 October 1852.
116. GLOBE, 14 October 1852.
117. MORNING CHRONICLE, 6 October 1852.
118. GLOBE, 14 October 1852.
119. MORNING CHRONICLE, 6 October 1852.
120. GLOBE, 14 October 1852.
121. IBID.
122. IBID.
123. IBID.
124. MORNING CHRONICLE, 6 October 1852.
125. GLOBE, 14 October 1852.
126. MORNING CHRONICLE, 6 October 1852.
127. GLOBE, 14 October 1852.
128. MORNING CHRONICLE, 7 October 1852.
129. GLOBE, 14 October 1852.
130. MORNING CHRONICLE, 7 October 1852.
131. GLOBE, 14 October 1852.
132. MORNING CHRONICLE, 7 October 1852.
133. GLOBE, 14 October 1852.

134. IBID.
135. MORNING CHRONICLE, 7 October 1852.
136. GLOBE, 14 October 1852.
137. MORNING CHRONICLE, 7 October 1852.
138. GLOBE, 14 October 1852.
139. MORNING CHRONICLE, 7 October 1852.
140. GLOBE, 14 October 1852.
141. IBID.
142. MORNING CHRONICLE, 7 October 1852.
143. GLOBE, 14 October 1852.
144. MORNING CHRONICLE, 7 October 1852.
145. GLOBE, 14 October 1852.
146. IBID.
147. IBID.
148. MORNING CHRONICLE, 7 October 1852.
149. IBID.
150. GLOBE, 14 October 1852.
151. MORNING CHRONICLE, 7 October 1852.
152. GLOBE, 14 October 1852.
153. MORNING CHRONICLE, 7 October 1852.
154. GLOBE, 14 October 1852.
155. IBID.
156. IBID.
157. MORNING CHRONICLE, 7 October 1852.
158. GLOBE, 14 October 1852.
159. MORNING CHRONICLE, 7 October 1852.
160. GLOBE, 14 October 1852.
161. IBID.
162. IBID.
163. MORNING CHRONICLE, 7 October 1852.
164. GLOBE, 14 October 1852.
165. MORNING CHRONICLE, 7 October 1852.
166. GLOBE, 14 October 1852.
167. MORNING CHRONICLE, 7 October 1852.
168. GLOBE, 14 October 1852.
169. IBID.
170. MORNING CHRONICLE, 7 October 1852.
171. GLOBE, 14 October 1852.
172. MORNING CHRONICLE, 7 October 1852.
173. GLOBE, 14 October 1852.
174. IBID.
175. MORNING CHRONICLE, 7 October 1852.
176. GLOBE, 14 October 1852.
177. MORNING CHRONICLE, 7 October 1852.
178. GLOBE, 14 October 1852.
179. IBID.
180. IBID.
181. IBID.
182. IBID.
183. IBID.
184. IBID.
185. MORNING CHRONICLE, 7 October 1852.
186. GLOBE, 14 October 1852.
187. MORNING CHRONICLE, 7 October 1852.
188. GLOBE, 14 October 1852.

189. MORNING CHRONICLE, 7 October 1852.
190. GLOBE, 14 October 1852.
191. IBID.
192. MORNING CHRONICLE, 7 October 1852.
193. GLOBE, 14 October 1852.
194. MORNING CHRONICLE, 7 October 1852.
195. GLOBE, 14 October 1852. MONTREAL GAZETTE, 9 October 1852, erroneously attributed the appeal to Mr. Cameron.
196. MORNING CHRONICLE, 7 October 1852.
197. MORNING CHRONICLE, 7 October 1852, reported in error that Mr. Cauchon moved the second reading of this Bill.
198. The following papers reported the debate on this matter in identical accounts: HAMILTON SPECTATOR, 7 October 1852, GLOBE, 7 October 1852, BRITISH WHIG, 7 October 1852, MONTREAL GAZETTE, 7 October 1852, BRITISH COLONIST, 8 October 1852, OTTAWA CITIZEN, 9 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, and BATHURST COURIER, 15 October 1852; MORNING CHRONICLE, 7 October 1852, QUEBEC GAZETTE, 8 October 1852, PILOT, 9 October 1852, MONTREAL GAZETTE, 9 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR DAILY, 12 October 1852, EXAMINER, 13 October 1852, and HAMILTON SPECTATOR WEEKLY, 14 October 1852; QUEBEC GAZETTE, 6 October 1852, and NORTH AMERICAN SEMI-WEEKLY, 19 October 1852 (which copied from QUEBEC GAZETTE). The debate was also reported by: GLOBE, 14 October 1852; HAMILTON SPECTATOR WEEKLY, 14 October 1852 (in a separate account); and LA MINERVE, 9 October 1852. The following papers noted the debate in identical accounts: NORTH AMERICAN SEMI-WEEKLY, 19 October 1852 (in a separate account), and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also noted by LA MINERVE, 13 October 1852. Commentaries appeared in: QUEBEC GAZETTE, 6 October 1852; HAMILTON SPECTATOR WEEKLY, 14 October 1852; GLOBE, 14 October 1852; NORTH AMERICAN SEMI-WEEKLY, 19 October 1852 (which copied from QUEBEC GAZETTE); NORTH AMERICAN WEEKLY, 21 October 1852; LA MINERVE, 9 October 1852; and L'AVENIR, 13 October 1852.
199. GLOBE, 14 October 1852.
200. IBID.
201. MORNING CHRONICLE, 7 October 1852.
202. GLOBE, 14 October 1852.
203. MORNING CHRONICLE, 7 October 1852.
204. GLOBE, 14 October 1852.
205. IBID.
206. IBID.
207. MORNING CHRONICLE, 7 October 1852.
208. GLOBE, 14 October 1852.
209. MORNING CHRONICLE, 7 October 1852.
210. GLOBE, 14 October 1852.
211. JOURNAL DE QUEBEC, 9 October 1852, contained the following commentary in reference to the 8th clause: "La 8e section paraît avoir été empruntée à quelque ukase de Sa Majesté impériale, Nicolas, Autocrate de toutes les Russies.... N'était l'absence du knout et de la Sibérie, on jurerait en lisant cette disposition, qu'elle a été copiée mot à mot du code Russe."
212. MORNING CHRONICLE, 7 October 1852.
213. GLOBE, 14 October 1852.
214. MORNING CHRONICLE, 7 October 1852.
215. GLOBE, 14 October 1852.
216. MORNING CHRONICLE, 7 October 1852.
217. GLOBE, 14 October 1852.
218. MORNING CHRONICLE, 7 October 1852.

219. GLOBE, 14 October 1852.
220. MORNING CHRONICLE, 7 October 1852.
221. NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, commented that: "Mr. Street obtained the floor, and in his usual lucid style, so cornered the hon. lawyer from Frontenac [Mr. H. Smith], that he had not a word to say for himself."
222. GLOBE, 14 October 1852.
223. MORNING CHRONICLE, 7 October 1852.
224. GLOBE, 14 October 1852.
225. IBID.
226. IBID.
227. IBID.
228. IBID.
229. MORNING CHRONICLE, 7 October 1852.
230. GLOBE, 14 October 1852.
231. MORNING CHRONICLE, 7 October 1852.
232. GLOBE, 14 October 1852.
233. MORNING CHRONICLE, 7 October 1852.
234. GLOBE, 14 October 1852.
235. MORNING CHRONICLE, 7 October 1852.
236. GLOBE, 14 October 1852.
237. MORNING CHRONICLE, 7 October 1852.
238. GLOBE, 14 October 1852.
239. MORNING CHRONICLE, 7 October 1852.
240. GLOBE, 14 October 1852.
241. MORNING CHRONICLE, 7 October 1852.
242. GLOBE, 14 October 1852.
243. MORNING CHRONICLE, 7 October 1852.
244. NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, labelled the Agriculturist as "the only legitimate organ of the farmers in Upper Canada."
245. GLOBE, 14 October 1852.
246. MORNING CHRONICLE, 7 October 1852.
247. NORTH AMERICAN SEMI-WEEKLY, 19 October 1852.
248. IBID.
249. NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, which further commented that "indeed it did shew it pretty clearly; for according to the system at present in force, township associations are obliged to deposit £17 10s. before they can attach themselves to the general board, and the new bill proposes to reduce that deposit to £10, thus making it more easy for township boards to become incorporated with the general board."
250. GLOBE, 14 October 1852.
251. MORNING CHRONICLE, 7 October 1852.
252. IBID.
253. GLOBE, 14 October 1852.
254. MORNING CHRONICLE, 7 October 1852.
255. GLOBE, 14 October 1852.
256. IBID.
257. IBID.
258. IBID.
259. MORNING CHRONICLE, 7 October 1852.
260. GLOBE, 14 October 1852.
261. MORNING CHRONICLE, 7 October 1852. NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, commented that: "It fell to the lot of Mr. Robinson to come out with one of the greatest absurdities of the evening. He asserted that the agriculturists had but one view of the case presented to them, while, at the

same time, he read a host of extracts from Upper Canada papers, papers that are read by nearly every farmer in Upper Canada, in which the Bureau is denounced with the most determined hostility."

262. GLOBE, 14 October 1852.
263. MORNING CHRONICLE, 7 October 1852.
264. GLOBE, 14 October 1852.
265. MORNING CHRONICLE, 7 October 1852.
266. GLOBE, 14 October 1852.
267. MORNING CHRONICLE, 7 October 1852.
268. GLOBE, 14 October 1852.
269. MORNING CHRONICLE, 7 October 1852.
270. GLOBE, 14 October 1852.
271. MORNING CHRONICLE, 7 October 1852.
272. GLOBE, 14 October 1852.
273. MORNING CHRONICLE, 7 October 1852.
274. GLOBE, 14 October 1852.
275. MORNING CHRONICLE, 7 October 1852.
276. GLOBE, 14 October 1852.
277. MORNING CHRONICLE, 7 October 1852.
278. GLOBE, 14 October 1852.
279. MORNING CHRONICLE, 7 October 1852.
280. GLOBE, 14 October 1852.
281. MORNING CHRONICLE, 7 October 1852.
282. GLOBE, 14 October 1852.
283. MORNING CHRONICLE, 7 October 1852.
284. GLOBE, 14 October 1852.
285. MORNING CHRONICLE, 7 October 1852.
286. GLOBE, 14 October 1852.
287. IBID.
288. MORNING CHRONICLE, 7 October 1852.
289. GLOBE, 14 October 1852.
290. MORNING CHRONICLE, 7 October 1852.
291. GLOBE, 14 October 1852.
292. NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, which further commented that: Mr. Brown "paid himself a very poor compliment by the assertion; for if the farmers have not had reasons laid before them why the Bureau should not be established, it has not been the fault of the editor of the Toronto Globe, a paper which boasts of being read by 15,000 farmers. If but one side of the question was represented to the farmers, that side was the one opposed to the establishment of the Bureau...."
293. GLOBE, 14 October 1852.
294. IBID.
295. IBID.
296. IBID.
297. IBID.
298. IBID.
299. IBID.
300. IBID.
301. IBID.
302. MORNING CHRONICLE, 7 October 1852.
303. JOURNAL DE QUEBEC, 9 October 1852.
304. MORNING CHRONICLE, 7 October 1852, which also noted that "the hon. member spoke at length, but during the greater part of his speech he was inaudible in the reporter's gallery from the position in which he stood."
305. GLOBE, 14 October 1852.

306. MORNING CHRONICLE, 7 October 1852.
307. GLOBE, 14 October 1852.
308. MORNING CHRONICLE, 7 October 1852.
309. JOURNAL DE QUEBEC, 9 October 1852.
310. MORNING CHRONICLE, 7 October 1852.
311. IBID.
312. IBID.
313. LA MINERVE, 9 October 1852.
314. MORNING CHRONICLE, 7 October 1852.
315. LA MINERVE, 9 October 1852.
316. MORNING CHRONICLE, 7 October 1852.
317. LA MINERVE, 9 October 1852.
318. MORNING CHRONICLE, 7 October 1852.
319. LA MINERVE, 9 October 1852.
320. MORNING CHRONICLE, 7 October 1852.
321. LA MINERVE, 9 October 1852.
322. MORNING CHRONICLE, 7 October 1852.
323. LA MINERVE, 9 October 1852.
324. MORNING CHRONICLE, 7 October 1852.
325. LA MINERVE, 9 October 1852.
326. MORNING CHRONICLE, 7 October 1852.
327. LA MINERVE, 9 October 1852.
328. MORNING CHRONICLE, 7 October 1852.
329. JOURNAL DE QUEBEC, 9 October 1852.
330. MORNING CHRONICLE, 7 October 1852.
331. LA MINERVE, 9 October 1852.
332. IBID.
333. MORNING CHRONICLE, 7 October 1852.
334. LA MINERVE, 9 October 1852.
335. MORNING CHRONICLE, 7 October 1852.
336. LA MINERVE, 9 October 1852.
337. IBID.
338. MORNING CHRONICLE, 7 October 1852.
339. LA MINERVE, 9 October 1852.
340. MORNING CHRONICLE, 7 October 1852.
341. LA MINERVE, 9 October 1852.
342. MORNING CHRONICLE, 7 October 1852.
343. LA MINERVE, 9 October 1852.
344. MORNING CHRONICLE, 7 October 1852.
345. LA MINERVE, 9 October 1852.
346. MORNING CHRONICLE, 7 October 1852.
347. LA MINERVE, 9 October 1852.
348. IBID.
349. MORNING CHRONICLE, 7 October 1852.
350. LA MINERVE, 9 October 1852.
351. JOURNAL DE QUEBEC, 9 October 1852.
352. MORNING CHRONICLE, 7 October 1852.
353. IBID.
354. JOURNAL DE QUEBEC, 9 October 1852.
355. MORNING CHRONICLE, 7 October 1852. The following papers erroneously reported that Mr. Cauchon "concluded by moving the adjournment": MORNING CHRONICLE, 7 October 1852, QUEBEC GAZETTE, 8 October 1852, PILOT, 9 October 1852, MONTREAL GAZETTE, 9 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR DAILY, 12 October 1852, EXAMINER, 13 October 1852, GLOBE, 14 October 1852, and HAMILTON SPECTATOR WEEKLY, 14 October 1852.

- 356. HAMILTON SPECTATOR WEEKLY, 14 October 1852.
- 357. IBID.
- 358. HAMILTON SPECTATOR WEEKLY, 14 October 1852, which commented that Mr. Cameron spoke "in a rather piteous tone."
- 359. HAMILTON SPECTATOR WEEKLY, 14 October 1852, which made the following comment on the matter: "And as a last resort, the Wabash man had to consent to leave his absorbing project on the shelf until Friday.... At the present moment, the Ministry stand in imminent danger of defeat--a result which ... frankly ... Hincks and Morin would not regret very much."
- 360. HAMILTON SPECTATOR DAILY, 7 October 1852.
- 361. JOURNAL DE QUEBEC, 9 October 1852, noted that the House adjourned "à onze heures."

WEDNESDAY, 6 OCTOBER 1852.

(248)

THE Serjeant-at-Arms attending this House, informed the House, that he had taken the Honorable William Badgley into his custody.

Whereupon the Honorable Mr. Macdonald stated, that he was desired by the Honorable William Badgley to express his sorrow for the inconvenience he had caused the House and the Parties by his absence, when the Members of the Committee appointed to try the matter of the Huron Election Petition were called upon to be sworn.

On motion of Mr. Polette, seconded by the Honorable Mr. Macdonald,
Ordered, That the Honorable William Badgley be discharged out of custody.

(249)

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Macdonald,--The Petition of William Kingsmill, Esquire, Sheriff of the United Counties of Lincoln and Welland.

By the Honorable Mr. Badgley,--The Petition of Messieurs Greene and Sons, and others, Hatters and Furriers of the City of Montreal; and the Petition of William H. Rice, of the City of Montreal, Wireworker.

By Mr. Stuart,--The Petition of the Honorable R.U. Harwood and others.

By the Honorable Mr. Rolph,--The Petition of the Town Council of the Town of London; and the Petition of the Municipality of the Township of Pelham.

Pursuant to the Order of the day, the following Petitions were read:--

Of Stanislas Drapeau, of the City of Quebec, Printer; praying aid to enable him to publish a Work, entitled, "The Cultivator, or Elementary Treatise on Practical Agriculture, designed for the use of Schools in Lower Canada."

Of James McKenzie, Esquire, and others, of the City of Quebec, Pointe Levy, and the adjoining Parishes; praying for the passing of an Act to establish and regulate the Ferry between Quebec and Pointe Levy, aforesaid.

Of the Reverend J. Auclair and others, of the City of Quebec; praying the adoption of measures for the suppression of houses of ill-fame within the limits of the said City.

Of the Board of Trade of the City of Hamilton; praying for the passing of an Act to abolish the Toll at the Cut at Burlington Beach.

Of the Board of Trade of the City of Hamilton; praying for the passing of an Act for the construction of a Canal to unite the Lakes Superior and Huron.

Of the Board of Trade of the City of Hamilton; praying the repeal of the Usury Laws in Upper Canada.

Ordered, That the Petition of John R. Ogden and others, of the County of Prince Edward, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petitions of W.S. Conger, praying that a certain Road allowance in Peterborough may be vested in the Little Lake Cemetery Company,--and of the Mayor, Aldermen, and Commonalty of the City of Hamilton, for authority to enclose and occupy a vacant space therein known as the Gore of King Street; and they find that the Notices required have been given.

The Petition of the President, Directors, and Company of the Erie and Ontario Railroad prays for an increase of their Capital Stock, with power to extend their Road to Niagara, and also to reconstruct the present line with such a deviation

only as to lead to the Niagara Falls Suspension Bridge: Your Committee find that by their present Charter the Company have power to extend the line to Niagara, the only additional powers required being such an increase of capital as may suffice to make the extension, and permission to alter the course of the existing Road so as to lead to the Niagara Falls Suspension Bridge, which had not been constructed at the time of their Act of incorporation; of these amendments no Notice has been given; but it has been represented to Your Committee that the construction of the proposed line at the present time is of great importance, as a delay might have the effect of diverting a large portion of travel to the American side of the River: Under these circumstances Your Committee would submit to Your Honorable House to determine whether it is expedient to insist on the Notice required by the 64th Rule.

(250)

The Petition of the Honorable George Pemberton and others, prays for the revival of the Act of 1850 incorporating the Quebec and St. Andrew's Railroad Company, which has expired from non-user. No Notice of the application has been given; but Your Committee are satisfied, from the Petition being signed by the Members representing the localities affected, and from other evidence adduced before them, that it is publicly known and approved of in these localities, they would respectfully recommend that the Notice be dispensed with.

On the Petitions of H. Jackson and others, Shareholders in the Ontario, Simcoe, and Lake Huron Railroad Company, for certain amendments to the Act incorporating the said Company,--and of John McGill Chambers, for the settlement of the boundary line between the 4th Concessions of Montague and North Elmsley, Your Committee find that the requisite Notice has not been given.

The Petition of John Sharples, for an Act to incorporate the Committee of Management of the Congregation of Roman Catholics of Quebec speaking the English Language, is not of a nature to require the publication of Notice.

Mr. Polette reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--George Okill Stuart, Esquire, John Langton, Esquire, John White, Esquire, James Smith, Esquire; Chairman, George Etienne Cartier, Esquire.

Mr. Polette reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, to which they had annexed the Petition referred to them by the House relative thereto:--And the names of the Committee were read, as follow:--Joseph H. John, Esquire, the Honorable William Benjamin Robinson, Joseph Curran Morrison, Esquire, John McDougall, Esquire; Chairman, Louis V. Sicotte, Esquire.

The Order of the day for the third reading of the Bill to authorize the City of Toronto to negotiate a Loan of One hundred thousand pounds to consolidate a part of the City Debt, being read;

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Boulton do carry the Bill to the Legislative Council, and desire their concurrence.

Asa A. Burnham, Esquire; Ulric J. Tessier, Esquire, William Patrick, Esquire, Amos Wright, Esquire; Chairman, the Honorable William Badgley, being the Select

Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Huron, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Huron, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in Committee Room No. 5, of the House, at the hour of Eleven in the forenoon.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

(251)

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to declare the intention of the Law organizing the Notarial Profession, with respect to the study of that Profession:"

Bill, intituled, "An Act to confer certain powers on Municipal Corporations and Companies to take materials to repair Roads:"

Bill, intituled, "An Act to repeal the fifth and sixth Sections of "The Railway Clauses Consolidation Act."

And then he withdrew.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was on Thursday last proposed, That the Bill to modify the Usury Laws, be now read a second time;¹

MR. BROWN ... moved the second reading of the Bill which he had introduced to repeal the Usury Laws².

(251)

And the Question being again proposed:--The House resumed the said adjourned Debate.

MR. LAURIN moved, that it be read a second time that day six months.³

(251)

Mr. Laurin moved in amendment to the Question, seconded by Mr. Fournier, That the word "now" be left out, and the words "this day six months" added at the end thereof;

MR. CAUCHON dit qu'il est déterminé à s'opposer à cette mesure qu'il considère comme ruineuse dans notre état actuel de société⁴ not because he disapproved of the abstract doctrines proposed by Mr. Brown; but because in the state of society, which prevailed in the Province these abstract doctrines were inapplicable.⁵ [He] said, were society in its infancy in this Province, he would abolish the Usury Laws, some of the reasons in favour of which measure were good; and judging of these laws, as he would of a mathematical question, and without reference to the state of society, the reasons for abolishing them were well founded. But in relation to political economy, as in other cases, it would be dangerous to interfere with laws that had been long established.. The member for Kent had said, that money was a commodity, but he thought it different from ordinary commodities; a man might be rich, and not yet be able to sell his house, and be placed in a position that his property must be sacrificed; people would not be put in a better condition, he said, by repealing those laws, because other commodities are not placed on the same footing as silver. If they were abolished and the rate of interest increased, it would place almost every farmer in the country at the mercy of men of wealth, most of them, at least four-fifths, being

in debt: and as the demand for money would at first be universal, parties who were involved would be at the disposal of their creditors. For that reason, and not because on principle he was opposed to the measure, he should vote for the amendment.--Representing as he did, a large number of farmers, he considered it would be an act of injustice to vote for the Bill. The railroads, he thought, would introduce a large amount of capital into the country; and the farmers would obtain it at a lower rate of interest than at present, from small capitalists.--He concluded with some general remarks not differing in any great degree from those he advanced when the Bill was last under discussion.⁶

MR. STEVENSON followed in opposition to the Bill.⁷ [He] condemned this proposition before the House ... [and] contended that it was necessary to have restrictions on the loaning of money, above all other things though it was also well known that money was not the only thing in which transactions were restricted by law.⁸ [He] said it had become fashionable for those who are opposed to the Usury Laws, to reflect upon their advocates. He was willing, however, to defend them, and to subject himself to the ridicule which it would undoubtedly draw upon him. He was satisfied that certain laws are necessary to protect the weak against the strong, and which exist in almost every country. It was also very fashionable to say, why not make money the same as other commodities; and if that argument was correct, why not allow banks to charge what they please, and individuals to issue bills and to coin money? The gentleman who introduced the Bill, is in favour of restrictions on certain classes, while he would not restrict others. He said there was no necessity for repealing the Usury Laws, unless the interest that is now paid is too high: and he was not prepared to say that six per cent was the rate of interest that should be charged; but he was prepared to show that it should be fixed at a certain rate. Those who advocated the measure before the House, find it necessary to interfere with other articles, and in large cities the price of a loaf of bread is fixed, and forestalling is also prevented. He was opposed to any change that was not proved to be necessary and beneficial; and he proposed to consider the evils that would arise from the repeal of the Usury Laws: among others, it had been objected on a former occasion, that such a course would raise the rate of interest. He said he had been urged by a few friends, whose opinions he respected, not to oppose the repeal of the Usury Laws, but a large portion of his constituents would approve of the course he had adopted. He then went on to consider the amount of debt owing by individuals in the Province--or "indebtedness," which he called it, and which he estimated at ten millions currency: and to describe the benefits that were promised, and the evils that would result if the Usury Laws were abolished; and concluded by saying that it was unnecessary to point out the inconvenience which would follow from that measure; and that he was opposed to an alteration in any respect, as the least change would be an argument in favour of others, of more importance.⁹

MR. BOULTON would think there might be something valuable in the restrictions on the loaning of money, if there were any results arising from them; but no one ever put the existing laws in force, and they were shown to be practically useless¹⁰. It was notorious that in Upper Canada there are a large number of usurers; and in Lower Canada, a state of very general demoralization had been produced by the operation of the usury laws; and on former occasions the Government had decided to repeal an Act, which could not be enforced, which was evidently the case with the usury laws. People not only wink at their violation, but sanction the taking of from ten to twenty per cent. Money, he said was like everything else; and in¹¹ the state of New York¹², where the legal rate is seven per cent, it can be borrowed at the present moment for¹³ 3 or¹⁴ four or five: the moment it commands a higher price, it will flow in from other quarters, and

competition brings it to its proper value.¹⁵

MR. STREET understood it was the intention of the hon. mover of this bill to lower the rate of interest; and to bring in a large influx of capital. Now he could not see how it was possible that reducing the rate of interest could induce capitalists to come into the country.¹⁶ Si les capitalistes, maintenant que le taux d'intérêt est à 6 pour cent, n'envoient pas leurs capitaux en ce pays, peut-on raisonnablement s'attendre qu'ils le feront lorsque le taux d'intérêt sera réduit?¹⁷ The fact that the rate of interest in New York was less than the legal rate only showed that the usury laws did not raise the rate of interest, and that the rate in New York depended upon the influx of money arising from other causes than those connected with the usury laws.¹⁸ If the price of money is low in New York, it is because it is flooded with it.¹⁹ L'abolition des lois d'usure est avantageuse dans les pays comme l'Angleterre, où l'argent est en abondance et où il y a rivalité entre les capitalistes pour le placement de leurs fonds²⁰, capitalists in other countries must understand that they are going to obtain more: and consequently if abolishing the usury laws was to effect what is contended for, it would not produce the effect that is expected²¹. Dans un pays comme le Canada où l'argent est rare, l'effet immédiat de l'abolition des lois d'usure, sera de porter l'intérêt de l'argent à un taux extravagant qui ne pourra que causer la ruine des débiteurs²² who would then be at the mercy of small creditors.²³ The late discoveries of gold, however, would have a greater tendency to lower the rate of loaned money than this bill, and he would recommend the hon. member to await the result of those discoveries, before he made changes which would centralize their tendency. He thought such would be the effect of the change proposed. He thought it would raise the rate of money on forbearance and would at the same time increase the rates of rents of farms because a man would not rent his farm at 6 per cent, when he might get 10 per cent interest on the same capital invested in a loan or mortgage.²⁴ The gentleman who had just spoken says those laws have a demoralizing tendency; and states that they are disregarded by the people.... If no attention is paid to the usury laws, as had been contended, why should they be abolished.²⁵ It was said too, that the present law ... encouraged breaches of confidence between lender and borrower²⁶; but he [Mr. S.] conceived such would be the effect of the bill which had been introduced²⁷. The bill before the House equally tended to immorality, because it enabled the borrower who agrees to pay 7 or 8 per cent to escape with the payment of only 6 per cent²⁸; and he considered the agricultural classes would be damaged by its passing and would suffer from the measure.²⁹ He ... would therefore vote against it.³⁰

MR. RIDOUT said it had been very properly remarked, that the commercial portion of the community are in favour of the repeal of the usury law: and such was the unanimous opinion prevailing among them in Upper Canada in favour of the alteration or modification of the present law. He was sorry to differ from his friend who had just spoken and every person who had listened to him must give him credit for sincerity of intention. He is the only member of the House, perhaps, who may be looked upon rather as a lender than a borrower; and his opinion was entitled to the greatest weight; but from which he must differ. He considers the present an inopportune time to alter the law; stating as one reason, the low price of produce. There are many farmers, who during low prices of produce, must, and who would be able if the law was not in existence, to borrow money at a low rate of interest, and³¹ instead of the agriculturists being injured by the change ... they would be enabled to³² hold on to their produce till they could realize better prices. Another reason he had given was, that if the rate of interest were raised, and that he considered would be the effect of repealing the usury laws, it would advance the rentals on farming property. Now he (Mr. R.)

had arrived at the conclusion, that if all the farms in Canada were rented at six per cent interest, it would justify his remark; but that is not the case, and he knew many farms which do not realize a rental to that extent; and, consequently, if the proposed measure were adopted, although it might raise the rate of interest which he did not believe would be the case, yet it would not increase the price of rents. As had been observed, year after year the subject had been discussed, and is therefore well understood; and so he did not suppose that any speech that could be made would alter a single vote. His own opinion, he said, would be that taking into consideration the rate of interest in New York, which is higher than it is in Canada, it becomes necessary to alter the existing law and thus induce capital to come in and he would rather have a maximum rate of interest fixed, which should not come into operation until a certain time, and for a given period; but as he did not conceive it would meet the approval of the majority, in order to do away with the present law, he would support the measure of the member for Kent. He considered the law as being evaded every day, and although the rate of interest is nominally six per cent, yet he was satisfied the average was more than had been stated by the introducer of the measure, as the law is evaded continually. He had known money borrowed when bank stock was at from thirty to thirty-three per cent. discount, and had known it paid over for money lent for two or three years, when the interest paid by the borrower was beyond anything which had been stated by the advocates of the bill. He considered that the giving the charter to the Loan and Trust Company had rendered it necessary to make an alteration in the existing law, and which ought to be carried out, as an advantage is at present enjoyed by the capitalists of other countries, which is denied to our own. That was not a kind of legislation which he wished to see carried out; and having given privileges to others, the same should be enjoyed by those of this country. Then, he said, he saw building societies continually rising up, and it was difficult to conceive the number that exists in Toronto, and who derive great profits from the manner in which they loan funds. Capitalists will not embark in these institutions, unless they can obtain more than six per cent. Having made a calculation, he considered their profits as being more than ten per cent. Now, this was a dangerous evasion of the laws which had been sanctioned by Parliament. The sale of mortgages, which occurs every day is another way by which the law is evaded. He said he wanted to put every man on the same footing. His friend beside him (Mr. Street) and other large capitalists would not, he was aware, descent to these practices: but there are others who avail themselves of the necessities of a third party, and not a day goes by where the man of capital does not realize more than if the contract were made an open question. He should support the bill, which had been so ably introduced by the member for Kent; he would have preferred the insertion of a maximum rate of interest, to leaving the matter as it is.³³

MR. MARCHILDON opposed the bill because it would ruin the habitans of the country; because there were too many people who now lived by usury: and because he thought their rates of usurious interest would be greatly increased by the present bill.³⁴

MR. ROBINSON said, he would briefly give his reasons for voting against the bill, and supporting the amendment, as he had done on former occasions: and he considered that great fallacies had been urged by the advocates of the bill, and that the repeal of the usury laws would produce fraud. He thought the refusal to allow the banks to take more than six per cent. was a fatal objection to the measure. He referred to the rates of interest which are sanctioned in the United States, varying from five to twelve per cent. and contended that no satisfactory

argument had been advanced in favour of repealing the usury laws. There are, he said, in this Province, no convertible stocks in the market, although he hoped the time was not far distant when they would be introduced, which was the principal cause of the difficulty that exists. He concluded by repeating that he should vote for the amendment; and in doing so, he would satisfy his constituents and himself; at the same time, he must admit that some modification of the usury laws is necessary.³⁵

MR. J. SMITH (Durham) had not been a little surprised at the arguments that had been made use of by the hon. member for Simcoe, who while he charged his opponents with uttering fallacies, had indulged in a number himself; and in proof of this, had referred to the law of England, which gives the rate of interest on real estate at five per cent.: because he said in England there is more money and less land, which is the reverse of the state of things in this Province; from which he drew an inference which was totally incorrect.³⁶

MR. ROBINSON here made an explanation, tantamount in retracing what he had said³⁷.

MR. J. SMITH said he would say no more on that subject. [He] continued [to say that] he did not think the hon. gentleman had made much by his allusion to the Building Societies; which he showed in every instance, had been unattended with benefit to the borrowers. The fact was, the Legislature had acted so inconsistently, that they had produced the worst state of affairs; and had established a class of monopolists, which drives monied men out of the market, and compels them to go to other countries. It was to do away with this, that the Bill had been introduced. After some further allusions to Mr. Robinson's speech, for the purpose of showing up the fallacies, with which he contended it abounded, he referred to that of Mr. Street, and in alluding to the general neglect to enforce the law, said he believed that the only instance in which it had been carried out, was a case where the member for Welland, he believed, lost £20,000, because the case was so clearly made out. The hon. member, he said, thought the repealing [of] the Usury Laws, would reduce the rate of interest-- he did not think it would be increased; and that is all the friends of the bill contend for, and it is all that is desirable to effect: and money will be obtained for what men can afford to give. With reference to the statement of his hon. friend who moved the amendment, he had stated that many persons were in debt whom the repeal of the Usury Laws would affect. He (Mr. S.) would not deny that at first there might be hardships experienced; but he put it to the House if the few who had borrowed at six per cent. should prevent others from obtaining money on better terms. Before concluding, he said he disapproved of the clause, which enables persons to discontinue a contract, unless the rate of interest were reduced.³⁸

Members were called in, and the Speaker ... [then] put the question.³⁹

MR. MACKENZIE made no effort to speak, but was ruled out of order⁴⁰.

The amendment was negatived.⁴¹

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Dubord, Dumoulin, Fortier, Fournier, Gouin, Lacoste, LaTerrière, Laurin, LeBlanc, Lemieux, Mackenzie, Marchildon, Papineau, Polette, Robinson, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Turcotte, Valois, and Varin.--
(30.)

NAYS.

Messieurs Boulton, Brown, Burnham, Cameron, Christie of WENTWORTH, Crawford, Dixon, Egan, Fergusson, Hartman, Hincks, Langton, McDonald of CORNWALL, Macdonald of KINGSTON, Mattice, McDougall, Merritt, Morrison, Murney, Paige, Patrick, Attorney General Richards, Ridout, Rolph, Sanborn, Shaw, Short, Smith of DURHAM, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(33.)

So it passed in the Negative.

And the Question being again proposed, That the Bill to modify the Usury Laws, be now read a second time;

MR. MACKENZIE then addressed the House at great length⁴², in favor of the existing law⁴³, contending that usury had ruined all nations where it prevailed⁴⁴ [and] that free trade in money was a dangerous fallacy, and most destructive to the landed interests. The East Indies form the only part of the British dominions where that utopia exists, and the consequence is, that the average rate of interest is twelve per cent. The mass of the people, the cultivators of the soil are in a state of the most wretched misery, whilst a few speculators make immense fortunes. Would any man say that the effect would be different in any country?⁴⁵ Dr. Rolph, who had not voted against the six months hoist had formerly been in favour of the usury laws⁴⁶. Would the member for the counties of Kent and Lambton say that his constituents were in a position to pay twelve per cent., or ten per cent., or even eight per cent. for money? In some few localities, for instance, in the neighborhood of Kingston or Toronto, where opportunities for profitable speculations frequently offered themselves, people might be enabled to pay such prices for money, but it is very different with people residing in the interior of the country. If the law were repealed--if the people were compelled to pay those high prices--you would not tender them any benefit, but on the contrary would drive them out of the country. This was apparent to the hon. member for Welland, whose high and honorable views on the subject were worthy of the highest eulogism.⁴⁷ [He] expressed his satisfaction at finding one man (Mr. Street) among the money lenders of the country, who had the manliness to stand up in favour of the people.⁴⁸

MR. G. WRIGHT (Peel).--Do you know the reason why the member for Welland is in favor of the existing laws? The member for Welland is a lender, and I am a borrower. (Hear, hear.)⁴⁹

MR. MACKENZIE.--The member for Peel is a borrower, and he thinks, no doubt, to make a great deal of money by his business, but a table carefully prepared by a gentleman of Boston, showed conclusively that 75 per cent. of the merchants in that city who traded on borrowed capital, broke down. The hon. gentleman adverted again to the Kingston Trust and Loan Company⁵⁰. The Trust and Loan Company bill was passed in a most improper manner, and was an engine for robbing the people under the direction of an hon. member, whom he called the usurer general.⁵¹ It was brought forward by the two great guns, Messrs. Hincks and Macdonald, in a manner no wise creditable, and ... its operations had a most prejudicial effect upon the interests of the community. They were the legalized usurers in the country, and might do that according to law, for which any other person would be punished.⁵²

MR. YOUNG said that the only fault he could find with the bill was, that it did not go far enough. But such as it was, he would support it, believing that its passage would result in the great benefit of the people generally. He believed that money, like any other commodity, should be left to regulate itself; and he also believed that the people of this country were not so ignorant of the value of money, or so little actuated by self-interest, as to give more for it

than it is worth. He was confident that they would be fully able to take care of themselves. There was an absurdity in the fact that he might hold a note for £100, and a hundred barrels of flour of equal value, and that he might legally obtain a profit of 8 or 10 per cent. on the flour, and yet that he should be prohibited from charging any more than 6 per cent. on the money. This was apparent from the practical evasion of the law every day. Every man in business knew that persons engaged in trade were frequently compelled to pay a higher rate than six per cent. for money, and as the banks could not charge them a higher rate, it necessarily followed that they were obliged to go to the note shavers,--persons who dealt in looking glasses, wine, or pictures. This state of things was not merely injurious to trade, but demoralizing in the highest degree⁵³. The present laws did not prevent usury; but did keep honorable men out of the money market⁵⁴ and he would willingly vote for a bill to put a stop to it.⁵⁵

MR. G. WRIGHT knew that the Trust and Loan Company's bill was very popular in his part of the country. The hon. member for Welland had opposed the present bill, while he (Mr. W.) supported it.⁵⁶ The member for Haldimand had given the member for Welland great credit for supporting the amendment, but⁵⁷ the hon. member was a lender, and he a borrower, and he looked on the bill in favor of borrowers. The hon. member for Welland, it was said, invested a great deal of money in loans on high rates of interest; often as high as ten or fifteen per cent.⁵⁸ It is well known [that] that hon. gentleman is in the habit of loaning money at heavy interest on mortgages, the rates running from ten to twenty-five or, perhaps thirty per cent.⁵⁹

MR. RIDOUT said he thought this was not the case⁶⁰ [and] felt it his duty to protest against those remarks in the absence of the member for Welland.⁶¹

MR. G. WRIGHT said yes. He was informed that the hon. member would not buy mortgages unless he got them at a great deal less than par.⁶² [He] did not make any charge against the member for Welland. He did not single him out as a special case, but merely intended to say that there is nothing more common than for gentlemen as wealthy as the member for Welland to buy mortgages at a profit of twenty-five or thirty per cent., and that it was quite natural that such persons should desire to keep up the Usury Laws. The Usury Laws are in fact evaded every day. Now, he⁶³, on the contrary⁶⁴, was himself a borrower of money. He borrowed to the extent, perhaps, of £30,000 a year; and⁶⁵ he desired things to be left free.⁶⁶ He was in favour of a repeal of the law, because he believed that money, like every thing else, would find its true level; and that after the market is thrown open, it will be obtained cheaper than at present. In this respect it would confer a benefit on the poorer classes, instead of ruining them, as some gentlemen were disposed to think. If he conceived that these gentlemen were correct in their views, he would be the last man to support the bill.⁶⁷ Mr. Wright then read from a long pamphlet [of] opinions in favour of the repeal of the usury laws⁶⁸. He was confident that he fairly represented the views of his constituents on the point, and that they were equally as anxious as himself to see the existing law repealed, and the same privilege extended to them, which is now accorded to the Trust and Loan Company.⁶⁹ [He] concluded by stating that the complaint against the Trust and Loan Company was that people who had made money in the country could not get the same rate of interest as the foreign company.⁷⁰

DR. FORTLIER moved that the first three clauses of the bill be stricken out.⁷¹

MR. H. SMITH, of Frontenac, looked upon the proposal to repeal the Usury Laws as a measure most dangerous to the interests of the community. He was free to confess that he was on the unpopular side of the question, so far as the mercantile classes are concerned; but he did not look so much to them as to the

great farming interest, which ought, in his opinion, to be protected. Now, what he wished to know was, whether 6 per cent. is enough for money in this country?⁷²

SEVERAL FRENCH MEMBERS.--Yes, Yes.⁷³

MR. H. SMITH said, that if that were admitted, he could prove that if the penalty were removed, interest would range from 20 to 30 per cent. That has been the effect in England: people on the verge of ruin have gone on borrowing at enormous interest, in the hope of keeping themselves up, and the consequence has been, that when they broke down, nothing was left for their creditors. He would ask gentlemen who represent agricultural constituencies, whether farmers can afford to pay 20 per cent. on mortgages?⁷⁴

MR. WRIGHT.--They do it now.⁷⁵

MR. H. SMITH would then cry shame on the Legislature for permitting it, for the effect will inevitably be, the accumulation of immense landed property by dealers in money. It was absolutely necessary to have some legal restriction on the value of money: for such is the avidity of our farmers to borrow, that if the Trust and Loan Company were permitted to make advances at 20 per cent. they would lend just as much as they do now, at 8 per cent. He happened to have in his possession a paper from the office of the Trust and Loan Company, and he thought it would show pretty well the consequences of establishing that company. A farmer in his county, named John Scott, who holds an indisputable title for two hundred acres of land, wanted to borrow £100, and asked him where it could be procured. He recommended his constituent to go to the Trust and Loan Company. Well, he did so, and the first step was the payment of £7 10s. to meet the expenses of the hon. member for Kingston. Then there were appraiser's fees, and interest, so that all poor John Scott received was £87 16s. 3d. for his £100. He would like to know if such a system should be permitted to go on? He thought not. He was willing to admit of some relaxation, so far as mercantile paper was concerned: but he was unwilling to see any interference with the established rate of interest on money loaned on real estate. The interests of the two classes clash together on this question, above all others. He would ask, for information, if there is a large amount of indebtedness in Lower Canada?⁷⁶

FRENCH MEMBERS.--Yes.⁷⁷

MR. H. SMITH.--To whom has that indebtedness occurred? To country merchants?⁷⁸

FRENCH MEMBERS.--Yes.⁷⁹

MR. H. SMITH.--Well, the farmers of Upper Canada are exactly in the same position, and he thought it was the duty of the House to adhere to a system which was the only means of preventing the property of those people who had the misfortune to become indebted to the country merchants, from falling wholly into their hands. He was not prepared to adopt the principle of the bill, for if he voted for the second reading he would commit himself, and undo all that he had done for the last ten years.⁸⁰

DR. FORTIER asked leave to withdraw his motion, and substitute for it a motion that the bill be read a second time this day three months.⁸¹

Leave granted.⁸²

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*Mr. Fournier*⁸³ moved in amendment to the Question, seconded by *Mr. Dumoulin*, That the word "now" be left out, and the words "this day three months" added at the end thereof;

MR. INSP. GEN. HINCKS thought that the hon. gentleman had taken a most un-

natural course. It might be in accordance with the rules of the House, but it was a course which was characteristic throughout of those gentlemen who were opposed to a modification of the Usury Laws; after a fair expression of opinion had been taken, they seized upon the occasion of the absence of gentlemen who were in favour of the bill to bring in another amendment for its rejection. It was a course that destroyed all security in legislation, and must necessarily place the House in a most ridiculous position before the public. What would the country say if the House passed an amendment of this nature, immediately after rejecting the proposition for the six months hoist?⁸⁴ If this motion was carried after a vote had been taken against the six months hoist, it would ... [mean that] no act of legislation could be depended on from one end of the evening to the other.⁸⁵ (Laughter.) Now this is a question which has on all occasions excited a good deal of warmth on the part of those who are opposed to it.⁸⁶ He did not understand what created the warmth which was always manifested on the subject by the hon. members from Lower Canada⁸⁷; he did not know the reason, but it was the fact: and unfortunately, it so happens that upon this question the opinions of the people of the two sections of the Province are diametrically opposed to each other.⁸⁸

MR. MACKENZIE.--No.⁸⁹

MR. INSP. GEN. HINCKS.--The hon. gentleman said "no"; well, he could only form his opinions of the wishes of the people in the constitutional manner by looking at the votes their representatives gave, for he took it for granted that the members of the House fully and fairly represented their constituents. Judging from such data he found that the people of Lower Canada are opposed to the repeal of the law, while on the division, the member for Haldimand was supported by only three members from Upper Canada. The actual state of the vote was 27 members from Upper Canada: against, 24 from Lower Canada. There have been similar divisions in other parliaments on this question, and although he had taken it very good naturedly, it was impossible to deny the fact that the people of Upper Canada were beaten by Lower Canada votes. It would be a very great boon to Upper Canada if hon. gentlemen would allow the action of the bill to be continued to that section of the Province. They had been asked to do so three sessions successively: and⁹⁰ had constantly ... refused; but now, perhaps, when it appeared the sense of the whole house was opposed to the laws⁹¹, [and] in favour of the bill⁹², they might, as he heard suggested, grant that extension of facility.⁹³ Now, the member for Frontenac had cited an example of the mode of dealing of the Trust and Loan Company, for the purpose of showing its various⁹⁴ evil⁹⁵ effects: but the hon. gentleman did not go far enough; he did not state all the circumstances of the case. He (Mr. H.) was somewhat surprised at the statement made by that hon. gentleman, and had crossed the floor immediately after hearing it, to enquire from the hon. member for Kingston the result of the operation. He put two questions to that hon. gentleman: who was this John Scott--was he a fool unable to manage his own affairs, or was he an intelligent man? The answer was, that he was an intelligent ... man⁹⁶ and ... so far from the man having anything to complain of, he was a shrewd farmer, who perfectly well knew what he was about⁹⁷. The next question was, what did he want the £100 for: and he learned that it was borrowed for the purpose of making a⁹⁸ highly advantageous speculation⁹⁹ in cattle: and that it was so profitable that Scott went back to borrow £50 more at the same place, and on the same terms. (Hear, hear.) But why did the honorable gentleman advise him to go to the Trust and Loan Company if their terms were ruinous? Why the hon. gentleman was perfectly well able to advise him, and he knew that John Scott could not get a loan at eight per cent. anywhere else: and that he would have been prevented from going into this operation in cattle, but for the assistance of that Company. He would

appeal to gentlemen from Upper Canada, and he would appeal to the member for Haldimand himself, to state the position of that man if he had attempted to borrow from any of the banks: why he would have been compelled to go on to the bank with his note endorsed by three or four persons, and instead of effecting the loan for five years, he would have been compelled to put his note in for ninety days: and when the ninety days were expired, he would have been unable to pay, and the costs would exceed the amount deducted from the £100 by the Trust and Loan Company; and it should be remarked that those expenses which the member for Frontenac spoke of, and which looked so formidable were spread over the whole period of five years for which the loan was contracted. Did not the member for Haldimand remember the celebrated Pennybacker case, in which the costs amounted to something like £20 each for the three or four endorsers? and would any person tell him that it was not an advantage to a man who was on the verge of ruin for want of money, to be able to obtain that money at eight per cent., or any other percentage which he felt he would be able to pay? Grant that liberty, and many a man whose property would otherwise be sold at a sacrifice by the Sheriff, would be saved as a means of support for himself and his family. As to the state of affairs in England, it must be perfectly obvious to every one, that there is a greater necessity for a fixed rate of interest on money secured on land than on promissory notes. The one security is of that character that there can be but little difference in its value: but there is the greatest difference in the value of promissory notes¹⁰⁰ according to the standing of the borrowers.¹⁰¹ For instance, he had no doubt that the member for Welland could tell if he were put to the test, whether he would rather have his (Mr. H's) note, or that of the member for Brockville. When it is obvious that there is such a difference in the value of promissory notes, is it not perfectly preposterous that the law should declare them all to be of equal value.¹⁰² But the present law placed both notes on the same footing, and the consequence was that the inferior note could not be discounted at all.¹⁰³ Now, look at the effect of the law: it brings the industrious, energetic young man, just entering into business, into competition with the merchant who has already amassed a fortune--for in this country almost every man in business is a borrower of money. (Hear, hear.) He knew gentlemen in the province, and he had some at the moment in his eye, worth their £200,000, who are large borrowers of money--if you bring the paper of that young man into competition with that of the others, it will not, of course, bear the same value. How, then, can he compete in the money market, if the rate is retained at six per cent.¹⁰⁴ The hon. member for Haldimand indeed might depend upon it that the doctrines he advocated were utterly oppressive to the poor and rising man, for it forbid the young man just rising into life from borrowing any money at all, since it prevented him from giving more than his neighbour, who had established himself in life.¹⁰⁵ He could not understand how any one could consistently vote against the bill, when the House repeatedly authorized the Government; and several incorporated companies, to borrow money at eight per cent. With reference to that company, one would suppose that some enormity had been committed in granting that privilege¹⁰⁶. A great deal was said about the Loan and Trust Company; but after all 8 per cent was not such a very wonderful rate of profit¹⁰⁷. He would like to know if the house had not passed a charter authorizing the company to loan money at six per cent., and did it not lie in London eight years?¹⁰⁸ Why the government had recently to give 8 per cent on the best security in the Province, for the Montreal Court House, and the Trust and Loan Company had been incorporated eight years, without getting its stock taken up, until it was authorized to lend at 8 per cent. Now¹⁰⁹ where was the patriotism of Mr. Street¹¹⁰, that for eight years he did not take up a penny of stock in that company--where was that of Mr. Camthral¹¹¹ and other great capitalists who hold their hundreds of thousands, that they did not come forward and take up that charter to loan money at six per cent.? Why, they knew

that their money was worth more.¹¹² They did not take up the stock properly enough, because they could make more for their money elsewhere.¹¹³ Does not every person know that the municipal debentures have been selling at a discount--selling notoriously at 85--and he had no doubt that the member for Welland purchased a good many of them at that price, yet the hon. gentleman came down and stated that money in this country is not worth more than six per cent. He would say in conclusion, that he would vote for the bill, although he did not think it went far enough.¹¹⁴

MR. BROWN.--If we get this, it will be all we can get.¹¹⁵

MR. INSP. GEN. HINCKS would vote for a proposition to sweep the law from the statute books entirely.¹¹⁶

MR. BROWN.--Hear, hear.¹¹⁷

MR. PAPINEAU held that the abolition of the usury laws would destroy the agricultural classes, and that the effect in the country could not be understood by persons in the towns. Having merchants there might be some reason in favour of abolishing the laws, because they were in the habit of meeting with good speculations, which by the command of money enable them to make very large profits. Among farmers, however, no one could afford to pay higher rates of interest than the present legal rates, and to allow them to borrow at higher rates would be only to secure their ruin. Formerly the lending of money at interest was held in such horror that in Lower Canada no one was allowed by the church, till a late period, to lend money at interest at all, except among the mercantile classes. It might perhaps be, therefore, that this question was one as much controversial as economical, and that Geneva had a little the best of the argument over Rome. But if the church had gone too far, it had, at least, encouraged charity and good feeling among the peasantry of the country. He was by no means sure that money was a mere commodity precisely like other commodities, although in general he was favorable to the doctrines of the economists. But money differed from other commodities in many respects. For instance all men acquired the habit of making use of money; but it required a special education to know how to sell goods of different kinds; and again the possessor of money, was able everywhere to exchange it for other commodities at nearly the same value. Money, if a commodity, then, was not like other commodities for every one. Under these circumstances he did not see why all the experience of the world should be set on one side, and the house should adopt the present measure merely because it was demanded by the people of Upper Canada, from their desire to be the next wisest people after those of England, who had not, however, abolished the usury laws till capital became overflowing.¹¹⁸

MR. TURCOTTE se déclare fortement contre le bill, qu'il condamne comme devant ruiner la population agricole du Bas-Canada. Il dit aux ministres: le Bas-Canada en masse se soulèvera et ordonnera à ses représentants, de renverser une administration qui vote pour la passation d'une loi dont l'effet immédiat serait la ruine de tous les cultivateurs.¹¹⁹ [He] contended that the proposition to allow it to pass for Upper Canada alone was a proof of the absurdity of the union. He then menaced Mr. Hincks with the assurance that his vote would be scrutinized, and that the people might probably have so little confidence in him after it should have been given that they would direct their representatives to vote against him on all measures. He also complained that¹²⁰ le ministère n'a pas osé exprimer comme gouvernement, une opinion sur cette mesure.¹²¹

MR. STREET here came into the House and complained that in his absence the hon. member for West York had accused him of having given a selfish vote¹²². The member for Peel had stated that the reason why he (Mr. S.) was opposed to the bill

before the House was, that he, as a capitalist, had loaned money at a rate of interest varying from 25 to 30 per cent.¹²³ [OR] He was enabled by the existing usury laws to get 12 or 15 per cent for his money.¹²⁴

MR. G. WRIGHT had been misunderstood; or he had not expressed himself clearly.¹²⁵ He had stated only that he had heard¹²⁶ that the member for Welland loaned money on mortgage¹²⁷ at 20 or 25 per cent discount. He thought far too highly of the hon. member to believe he would vote from selfish motives.¹²⁸

MR. STREET was not satisfied with that explanation. He had been informed that the hon. member charged him with making loans at rates of interest varying from 25 to 30 per cent. Now, he thought that when an hon. member made charges seriously affecting the character or reputation of another, he ought to be prepared to substantiate these charges. He looked upon this as a very grave and serious charge, and he thought that the hon. member was called on to make more clear and satisfactory proof to the House that he lent money at that heavy interest. It did not devolve upon him to answer the charge, but he would defy that hon. gentleman, or any other hon. gentleman in the House, to show, that in any of his dealings in money, he had ever loaned at rates higher than the law authorizes. This charge was insidiously made. If it were made when he was present, he would not think anything of it, because he would have cleared it on the moment: but when it was made during his absence, he felt it to be his duty not to leave it unanswered, as it would be spread throughout the length and breadth of the land by the public prints. That was a position that he felt he should not be placed in: for although all the persons with whom he had dealt would pronounce it to be unfounded in truth, there were a great many persons who might form an impression exceedingly injurious to his character and reputation.¹²⁹

MR. G. WRIGHT denied that he had any intention of injuring the member for Welland.¹³⁰ If he had let fall a word that was not correct he was very sorry for it. He certainly had not intended to say anything offensive¹³¹, he had merely stated what he had several times heard--that the hon. member for Welland was in the habit of purchasing mortgages, and that he never purchased them, except at a discount of twenty-five or thirty per cent.¹³²

MR. STREET was quite satisfied with that explanation.¹³³

MR. BADGLEY would oppose the bill, because he conceived it to have an immoral tendency, inasmuch as it permitted the borrower, after giving his bond to pay a certain amount of interest, to get rid of the obligation; but what he was willing to do was to adopt the English law, which enabled any contracts to be made at the will of the parties for the loan of money, except when secured upon land.¹³⁴

MR. MERRITT should certainly expect the support of the member for Montreal for the bill, as his arguments were in favour of the abolition of the Usury Laws. He had heard the question argued again and again, but on previous occasions the bills were very different from that now before the House, as it merely proposed to repeal the high penalties imposed by the existing law. The member for Haldimand always argued that this would ruin the farmer but the farmer has nothing to do with it, for the farmer has less occasion to borrow than a member of any other class in society. The fact is that, instead of protecting the farmer, the existing law is a restriction, a dangerous restriction, on trade and industry, but if that restriction were removed, capital would enter the country more plentifully, and at cheaper rates than at present. He alluded to the misunderstanding between the members for Peel and Welland, and said that he thought the member for Welland was in error.¹³⁵

MR. STREET.--That is all settled.¹³⁶ He was quite satisfied with these explanations¹³⁷.

MR. MERRITT desired to remove any little feeling which might remain.¹³⁸

MR. STREET.--There is none.¹³⁹

MR. INSP. GEN. HINCKS said he would like to hear an understanding on this subject. He¹⁴⁰ had derived an impression, as several other hon. members had done, from that discussion, and should like the member for Welland to set him right. He understood the member for Peel to repeat, and the member for Welland to assent, that the latter was in the habit of purchasing mortgages at a discount. He did not understand the member for Peel to say that the other hon. gentleman lent money at rates higher than the legal interest. He wished to know whether he was correct in his suppositions. To show that he did not mean to cast any imputation on the hon. gentleman, who had become somewhat warm on this point, he would say that although unable to see a very wide difference between lending money at a rate higher than six per cent and buying mortgages at a discount, yet with his views he would have no hesitation in avowing the fact if he had done so, because he believed it to be perfectly justifiable¹⁴¹. He thought if the hon. member had done so, he had done quite right, and what he would have done himself¹⁴² if he had the means.¹⁴³

MR. CAUCHON hoped that the member for Welland would not reply to the question. The House ought not to permit a personal discussion to take place relative to the price an hon. gentleman may have given for mortgages.¹⁴⁴

MR. STREET refused to reply¹⁴⁵. [He] would only say that he had no intention to answer the¹⁴⁶ inquisitorial¹⁴⁷ question put by the Inspector General. (Ironical hear hears.) He was not¹⁴⁸, in the House¹⁴⁹, for the purpose of undergoing an examination on his personal affairs, and he would like to know what right the hon. gentleman had to put such questions to any member occupying an independent position in the House. What right had the Hon. Inspector General, because he was at the head of the Government, to put questions to him relative to his private business? He refused to answer the question, because it was unparliamentary, and because the hon. gentleman had no right to put the question¹⁵⁰, and because he was satisfied with the explanations which had taken place.¹⁵¹

MR. INSP. GEN. HINCKS was perfectly satisfied.¹⁵²

MR. STREET.--That might be, but he was not satisfied. The hon. gentlemen knew that he had no right to put such a question. Young, a member of Parliament as he (Mr. S.) was, ... knew well that there was no rule of Parliament which may have induced him to vote for or against a particular measure. He believed that such a course was never pursued before in any Parliament, and he was surprised to see the hon. gentleman get up in his place, and exhibit so much feeling throughout the course of this debate. What could make the hon. gentleman so sensitive in regard to this bill, he did not know, of course, although he might have his suspicions. It was a somewhat remarkable fact, however, that the Inspector General was a good deal more sensitive than the member who introduced the bill. He refused positively and distinctly to answer the hon. gentleman.¹⁵³

MR. INSP. GEN. HINCKS had no desire to question the hon. gentleman on such points, if he did not choose to answer.¹⁵⁴ He had no desire to offend the hon. member, nor to inquire into his personal affairs¹⁵⁵; he had only endeavoured to obtain some explanation of the information conveyed to the House by the member for Peel. The member for Welland thought proper to deny the truth of that information; he complained with much warmth that he had been slandered, and asserted that he would do nothing of the kind attributed to him.¹⁵⁶ He thought it only right that the House should understand exactly how the case stood.¹⁵⁷ Well, the House was put in possession of certain information, and the hon. member said that

he was satisfied. For his part he was perfectly satisfied with the hon. gentleman's answer to his question, and he had no doubt that the House was satisfied also.¹⁵⁸

MR. MERRITT said that the hon. member for Welland appeared to misunderstand both the member for Peel and the Inspector General. The question put by the latter was merely put to elicit one fact--the illegality of taking a higher rate of interest than 6 per cent on money, and the legality of buying mortgages at a discount of 25 or 30 per cent: that would show the absurdity of the present law. Although the hon. member was so sensitive, there was no intention on the part of any one to impute anything dishonourable to him.¹⁵⁹

MR. STREET defied any one to do so.¹⁶⁰

MR. MALLOCH.--Certainly. (Hear, hear.)¹⁶¹

MR. MERRITT continued to speak in favour of the bill, not because he approved of allowing an unlimited rate of interest to be taken; but because he desired to prevent dishonest men from availing themselves of the present laws to obtain high penalties.¹⁶²

DR. FORTIER explained his reasons in French for opposing the repeal of the Usury Laws.¹⁶³ [Il] dit: l'honorable inspecteur-général a oublié la tactique parlementaire, et il a tort de me reprocher d'avoir fait une motion pour ajourner la question à trois mois quand la chambre avait refusé une motion de six mois; mais la majorité était si minime, que j'avais l'espérance que mes amis absents pourraient se trouver présents lorsque cette motion serait mise aux voix, et aussi de donner le temps de la réflexion à plusieurs membres.

L'inspecteur-général nous a cité à l'appui du bill que la législature avait sanctionné, une loi autorisant un emprunt à huit pour cent. Je dois observer que c'était pour des travaux publics, et que cette loi ne pouvait pas jeter le trouble, le désordre dans notre société, et amener la ruine d'un grand nombre d'agriculteurs.

La quatrième clause porte avec elle le cachet de l'immoralité la plus absolue, favorise la fraude et la supercherie, et encourage l'avarice et la cupidité; elle est construite pour décevoir et tenter l'honnête homme à devenir coquin, car il peut promettre à l'emprunteur douze ou quinze pour cent, et à l'échéance du billet ne lui donner que six pour cent.

Cette loi est venue devant le dernier parlement à chaque session, sous des formes plus astucieuses les unes que les autres, mais toujours avec le cachet de l'immoralité. Les canadiens-français ont toujours repoussé cette loi sous quelques formes qu'elle fût présentée, et les canadiens-français sont conséquents dans leurs opinions; ils ne sont pas des girouettes, ils ont déjà repoussé cette loi et ils la repousseront toujours. Ils ne veulent pas adopter le principe immoral de leurs voisins des Etats-Unis: faites de l'argent, honnêtement si vous pouvez, mais faites de l'argent. Et c'est ce mauvais principe que l'on veut implanter sur un peuple éminemment moral et religieux.

J'ai voté contre ce bill durant les quatres sessions du dernier parlement, et je ferai tous mes efforts pour qu'il ne passe pas.¹⁶⁴

MR. AT. GEN. DRUMMOND said that though not approving it entirely, or desiring to allow an unlimited rate of interest to be taken, he was yet disposed to grant the second reading and to refer the bill to a committee in order to perfect it. The fact was that the present law in Lower Canada afforded no protection at all to the farmer against usurious interest for inasmuch as there was a penalty attached to the taking of usury, the Judges of Lower Canada had held that no person could be interrogated upon it, so as to make him accuse himself, while usurers always took care that they would have no witnesses to their acts. If

gentlemen, therefore, would only look at the matter calmly they would see that the way to afford real protection to the farmer was to modify the existing laws. It was evident they afforded no security at present for usury was practised to an astonishing extent. He knew a case of a farm worth £300 or £400 and which had been acquired in payment of a debt, which originally represented only a barrel of potash. In the country it was well known that merchants frequently practised usury. A man who became indebted to one of these persons passed an obligation. This obligation became due and the man could not pay it. Then he was obliged to renew it and to do so, he had to pay 20 or 25 per cent. Or if the usurer expected to be caught, he contracted instead of for more money for the delivery of a certain number of cords of firewood, which he well knew the other man could not furnish. He claimed to be at least impartial, for if any one was intrusted in mortgages it was himself, being unfortunately the representative of a heavily mortgaged estate. He concluded by replying to what Mr. Turcotte had said on the subject of the government and the union.¹⁶⁵

MR. SOL. GEN. CHAUVEAU, parle aussi contre le bill qu'il regarde comme immoral et comme ruineux pour la classe agricole.¹⁶⁶

MESSRS. DUMOULIN et CHAPPAIS, déclarent qu'ils voteront contre la mesure.¹⁶⁷

La chambre se divise sur la motion de M. Fortier.¹⁶⁸

(251)

And the Question being put on the Amendment¹⁶⁹; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Badgley, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Dubord, Dumoulin, Fortier, Fournier, Jobin, Lacoste, LaTerrière, Laurin, LeBlanc, LeBoutillier, Mackenzie, Marchildon, Papineau, Polette, Stevenson, Smith of FRONTENAC, Street, Stuart, Taché, Terrill, Turcotte, Valois, and Viger.--(30.)

(252)

NAYS.

Messieurs Boulton, Brown, Burnham, Christie of WENTWORTH, Crawford, Dixon, Attorney General Drummond, Egan, Fergusson, Hartman, Hincks, McDonald of CORNWALL, Macdonald of KINGSTON, Malloch, Mattice, McDougall, Merritt, Paige, Patrick, Attorney General Richards, Ridout, Rolph, Sanborn, Shaw, Short, Smith of DURHAM, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(31.)

So it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Burnham, Christie of WENTWORTH, Crawford, Dixon, Attorney General Drummond, Egan, Fergusson, Hartman, Hincks, McDonald of CORNWALL, Macdonald of KINGSTON, Malloch, Mattice, McDougall, Merritt, Paige, Patrick, Attorney General Richards, Ridout, Rolph, Sanborn, Shaw, Short, Smith of DURHAM, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(31.)

NAYS.

Messieurs Badgley, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Dubord, Dumoulin, Fortier, Fournier, Jobin, Lacoste, LaTerrière, Laurin, LeBlanc, LeBoutillier, Mackenzie, Marchildon, Papineau, Polette, Stevenson, Smith of FRONTENAC, Street, Stuart, Taché, Terrill, Turcotte, Valois, and Viger.--(30.)

*So it was resolved in the Affirmative.*¹⁷⁰

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for To-morrow.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of Mr. Boulton, seconded by Mr. Egan,
The House adjourned.*

APPENDIX: 6 OCTOBER 1852.

[NOTICE OF MOTION RE: ROADS NEAR QUEBEC CITY.]

MR. TESSIER [gave notice that he would move for the] Appointment of [a] Committee on amending the Ordinance providing for the improvement of certain Roads in the neighborhood of the City of Quebec.¹⁷¹

FOOTNOTES: 6 OCTOBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 8 October 1852 (which misdated its account as 6 September 1852), MONTREAL GAZETTE, 11 October 1852, QUEBEC GAZETTE, 11 October 1852 (which misdated its account as 6 September 1852), PILOT, 11 October 1852 (which misdated its account as 6 September 1852), HAMILTON SPECTATOR WEEKLY, 13 October 1852 (which copied from MORNING CHRONICLE and misdated its account as 6 September 1852), HAMILTON SPECTATOR WEEKLY, 14 October 1852 (which misdated its account as 6 September 1852), BRITISH COLONIST, 15 October 1852 (which misdated its account as 5 September 1852), NORTH AMERICAN SEMI-WEEKLY, 19 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by: GLOBE, 14, 16 October 1852; and JOURNAL DE QUEBEC, 9 October 1852. The following papers noted the debate in identical accounts: BRITISH WHIG, 8 October 1852, BRITISH COLONIST, 8 October 1852, MONTREAL GAZETTE, 8 October 1852, GLOBE, 9 October 1852, and EXAMINER, 13 October 1852. The following papers noted the debate in identical accounts all reporting in error that the bill was given the "six months' hoist": HAMILTON SPECTATOR DAILY, 7 October 1852, GLOBE, 7 October 1852, MONTREAL GAZETTE, 7 October 1852, OTTAWA CITIZEN, 9 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852 (in a second separate account), BATHURST COURIER, 15 October 1852, and LA MINERVE, 7 October 1852. Commentaries appeared in: QUEBEC GAZETTE, 8 October 1852; GLOBE, 14 October 1852 (in a separate account); HAMILTON SPECTATOR WEEKLY, 14 October 1852 (in a third separate account); JOURNAL DE QUEBEC, 9 October 1852; and L'AVENIR, 13 October 1852.
2. GLOBE, 14 October 1852.
3. IBID.
4. JOURNAL DE QUEBEC, 9 October 1852.
5. MORNING CHRONICLE, 8 October 1852.
6. GLOBE, 14 October 1852.
7. IBID.
8. MORNING CHRONICLE, 8 October 1852.
9. GLOBE, 14 October 1852.
10. MORNING CHRONICLE, 8 October 1852.
11. GLOBE, 14 October 1852.
12. MORNING CHRONICLE, 8 October 1852.
13. GLOBE, 14 October 1852.
14. MORNING CHRONICLE, 8 October 1852.
15. GLOBE, 14 October 1852.
16. MORNING CHRONICLE, 8 October 1852.
17. JOURNAL DE QUEBEC, 9 October 1852.
18. MORNING CHRONICLE, 8 October 1852.
19. GLOBE, 14 October 1852.
20. JOURNAL DE QUEBEC, 9 October 1852.
21. GLOBE, 14 October 1852.
22. JOURNAL DE QUEBEC, 9 October 1852.
23. GLOBE, 14 October 1852.
24. MORNING CHRONICLE, 8 October 1852.
25. GLOBE, 14 October 1852.
26. MORNING CHRONICLE, 8 October 1852.
27. GLOBE, 14 October 1852.
28. MORNING CHRONICLE, 8 October 1852.
29. GLOBE, 14 October 1852.
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31. GLOBE, 14 October 1852.

32. MORNING CHRONICLE, 8 October 1852.
33. GLOBE, 14 October 1852.
34. MORNING CHRONICLE, 8 October 1852.
35. GLOBE, 14 October 1852.
36. IBID.
37. IBID.
38. IBID.
39. GLOBE, 14 October 1852. MORNING CHRONICLE, 8 October 1852, reported in error that this motion had been put by Mr. Cauchon.
40. GLOBE, 14 October 1852.
41. GLOBE, 14 October 1852. MORNING CHRONICLE, 8 October 1852, and GLOBE, 14 October 1852, reported that the division on this motion was Yeas, 30; Nays, 32.
42. MORNING CHRONICLE, 8 October 1852.
43. GLOBE, 14 October 1852.
44. MORNING CHRONICLE, 8 October 1852.
45. GLOBE, 14 October 1852.
46. MORNING CHRONICLE, 8 October 1852.
47. GLOBE, 14 October 1852.
48. MORNING CHRONICLE, 8 October 1852.
49. GLOBE, 14 October 1852.
50. IBID.
51. MORNING CHRONICLE, 8 October 1852.
52. GLOBE, 14 October 1852.
53. IBID.
54. MORNING CHRONICLE, 8 October 1852.
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67. GLOBE, 14 October 1852.
68. MORNING CHRONICLE, 8 October 1852.
69. GLOBE, 14 October 1852.
70. MORNING CHRONICLE, 8 October 1852.
71. GLOBE, 16 October 1852.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. All accounts of this debate state that the motion for the "three months' hoist" was made by Dr. Fortier.

84. GLOBE, 16 October 1852.
85. MORNING CHRONICLE, 8 October 1852.
86. GLOBE, 16 October 1852.
87. MORNING CHRONICLE, 8 October 1852.
88. GLOBE, 16 October 1852.
89. IBID.
90. IBID.
91. MORNING CHRONICLE, 8 October 1852.
92. GLOBE, 16 October 1852.
93. MORNING CHRONICLE, 8 October 1852.
94. GLOBE, 16 October 1852.
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111. MORNING CHRONICLE, 8 October 1852.
112. GLOBE, 16 October 1852.
113. MORNING CHRONICLE, 8 October 1852.
114. GLOBE, 16 October 1852.
115. IBID.
116. IBID.
117. IBID.
118. MORNING CHRONICLE, 8 October 1852.
119. JOURNAL DE QUEBEC, 9 October 1852.
120. MORNING CHRONICLE, 8 October 1852.
121. JOURNAL DE QUEBEC, 9 October 1852.
122. MORNING CHRONICLE, 8 October 1852.
123. GLOBE, 16 October 1852.
124. MORNING CHRONICLE, 8 October 1852.
125. GLOBE, 16 October 1852.
126. MORNING CHRONICLE, 8 October 1852.
127. GLOBE, 16 October 1852.
128. MORNING CHRONICLE, 8 October 1852.
129. GLOBE, 16 October 1852.
130. IBID.
131. MORNING CHRONICLE, 8 October 1852.
132. GLOBE, 16 October 1852.
133. MORNING CHRONICLE, 8 October 1852.
134. IBID.
135. GLOBE, 16 October 1852.
136. IBID.
137. MORNING CHRONICLE, 8 October 1852.
138. GLOBE, 16 October 1852.
139. IBID.

140. MORNING CHRONICLE, 8 October 1852.
141. GLOBE, 16 October 1852.
142. MORNING CHRONICLE, 8 October 1852.
143. GLOBE, 16 October 1852.
144. IBID.
145. MORNING CHRONICLE, 8 October 1852.
146. GLOBE, 16 October 1852.
147. MORNING CHRONICLE, 8 October 1852.
148. GLOBE, 16 October 1852.
149. MORNING CHRONICLE, 8 October 1852.
150. GLOBE, 16 October 1852.
151. MORNING CHRONICLE, 8 October 1852.
152. GLOBE, 16 October 1852.
153. IBID.
154. IBID.
155. MORNING CHRONICLE, 8 October 1852.
156. GLOBE, 16 October 1852.
157. MORNING CHRONICLE, 8 October 1852.
158. GLOBE, 16 October 1852.
159. IBID.
160. IBID.
161. IBID.
162. MORNING CHRONICLE, 8 October 1852.
163. GLOBE, 16 October 1852.
164. JOURNAL DE QUEBEC, 9 October 1852.
165. MORNING CHRONICLE, 8 October 1852.
166. JOURNAL DE QUEBEC, 9 October 1852.
167. IBID.
168. IBID.
169. QUEBEC GAZETTE, 8 October 1852, contained the following description of the scene in the House immediately preceding the second division: "Quite an excitement prevailed when the second [motion for amendment] was put, as it was known that one single vote might turn the tables and defeat the bill. The anxiety of Mr. Brown was positively amusing, first at one door and then at another, looking for members, afraid to go out lest the vote might be taken in his absence, and yet anxious to beat up recruits in other parts of the building, he evidently had lost hope when the yeas and nays were called, as he missed some of his men from the House, and seemed scarcely able to believe his senses when the clerk announced the success of his measure."
170. The passing of Mr. Brown's motion for the second reading of his bill to modify the usury laws excited a good deal of comment in the press. GLOBE, 14 October 1852, noted that "Mr. Brown ... succeeded in carrying the first vote ever recorded in the Canadian Parliament against these injurious restrictions [and added that] it was as nearly as possible Upper Canada against Lower Canada, and some bitterness was displayed in the discussion. The greatest eagerness was felt as to the result of the vote. It was well known that the division would be very close, and one or two votes were undetermined, and every effort was made on both sides to bring out their men, and keep them together for the division. The Governor-General had a large party the same evening, and this added to the anxiety, for all were anxious to get off. Three members were ill and absent from the house--but a pair-off was procured for one, and the other two were brought down to the house, and 'stored' in the Speaker's room for the division. The Lower Canadians were confident of success, but a trial motion was made to give the bill a six months hoist, and

lost, 33 to 30. This made them less confident, and every effort was used to fight off the division. It was of no avail, however. A second test motion was made, to give the bill a three months hoist, and it was lost, 31 to 30. After a little more sparring, the bill passed the second reading....The result of the several divisions were received as the Clerk read them aloud, with cheers and clapping of hands.

"Mr. Cameron had paired off with Mr. Gouin--Mr. Morrison with Mr. Lemieux--Sir Allan MacNab with Mr. Robinson--Mr. Langton with Mr. Tessier. This made 69 in the division. Thirteen were absent from town. The Speaker and Mr. Murney make up the 84 members. Mr. Murney would have voted for the bill had he been present. On a division of the entire house, there would be a majority of 3 or 5 for the bill. But unless its friends turn out at every division, it may yet be upset."

The intensity of the debate, and the bitterness felt by members on both sides of the question are reflected in the following two commentaries. The reporter for HAMILTON SPECTATOR WEEKLY, 14 October 1852, declared: "This was the first occasion on which I had seen one section of the Province distinctly arrayed against the other; and I feel annoyed at having to add, that to-day an understanding has been arrived at, by which Upper Canada is to have the boon which she has so long desired, in consideration that it shall be confined to that section of the Province, and Lower Canada be permitted to adhere to the good old system under which she has so long ... [operated]. It is really too bad, though, that the French should be allowed to stipulate their own terms, on every occasion, while they have so few scruples in forcing on us measures not only obnoxious, but from which they insist upon a special exemption. Here was an excellent opportunity to turn the tables,--to give these people an idea of what our feelings are under the infliction of measures which we consider arbitrary and unjust--and it should have been taken advantage of."

JOURNAL DE QUEBEC, 9 October 1852, on the other hand, observed: "On ne remarque pas parmi les partisans de cette mesure un seul canadien-français, à moins qu'avec un certain journal, on ne considère M. Drummond, comme canadien-français. Dans ce cas, ce monsieur aurait le grand tort de vouloir avoir raison contre tous ses compatriotes en votant pour une mesure que tous les députés d'origine-française du Bas-Canada ont déclaré être immorale et comme devant causer la ruine des sept-huitièmes de la population, si elle devenait loi. Le bill, à la majorité d'une seule voix, a obtenu sa deuxième lecture; mais il est certain qu'il ne passera pas, car plusieurs députés absents pour affaires personnelles, lors de sa deuxième lecture, sont maintenant de retour et voteront contre cette monstrueuse mesure enfantée par M. Brown qui, sans doute, n'était pas guidé par la lumière du ciel, alors qu'il en rédigeait les dispositions immorales."

171. HAMILTON SPECTATOR WEEKLY, 25 November 1852.

THURSDAY, 7 OCTOBER 1852.

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MR. SPEAKER communicated to the House the following Letter:--

Government House,

Quebec, 7th October, 1852.

Sir,--I have the honor, by command of the Governor General, to inform you that it is His Excellency's intention to proceed to the Legislative Council Chamber to-day, at 3 $\frac{1}{2}$ o'clock, to assent in Her Majesty's Name, to certain Bills passed by the Legislative Council and Legislative Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant,

R. Bruce,

Governor's Secretary.

The Honorable The Speaker

of the Legislative Assembly.

The following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron,--The Petition of John Davis and others, of Garden Island, near the City of Kingston; and the Petition of J. Counter, Esquire, Mayor, and others, of the City of Kingston.

By the Honorable Mr. Rolph,--Three Petitions of the Municipal Council of the County of Norfolk.

By Mr. Langton,--The Petition of Daniel Costello and others, of the County of Peterborough and Victoria.

By the Honorable Mr. Chabot,--The Petition of the Municipal Council of the County of Bellechasse.

By Mr. White,--The Petition of the Reverend M.Y. Stark and others, of the Town of Dundas.

By Mr. Morrison,--The Petition of the Reverend Thomas Creen and others, Trustees of Grammar Schools in the United Counties of Lincoln and Welland, and residing in the Town of Niagara.

Pursuant to the Order of the day, the following Petitions were read:--

Of Ellenor Neilson and others, females, of the Townships of North Gower and Marlborough; and of J.R. Gibson and other Ladies of the Townships of Dam, Camden, and Euphemia; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Of L.C. Lefrançois, Esquire, and others, School Commissioners for the School District of Chateau Richer; praying aid to enable them to erect a School House in Division No. 1, of the said District.

Of Edward Concoran, Esquire, and others, of the Township of Rawdon and its vicinity; praying for the re-establishment of Parish Municipalities, and the adoption of a more equal system of Representation, so that the said Township with certain others may have the rights and privileges of a County.

Of John Smith, Esquire, Reeve, and others, of the Village of Paris; praying for the passing of an Act granting a special Charter to the Brantford and Buffalo Joint Stock Railroad Company, and to authorize the said Company to extend their line of Railroad to the Town of Goderich.

Of the Municipality of the Township of Pelham; praying for the passing of an Act to provide for the admission of indigent Patients into the Provincial Lunatic Asylum, and that the tax imposed for the support of the said Asylum be reduced.

Of J.B. Pleau and others, of Laval, County of Montmorency; praying aid to improve the Road from Lake Beauport to the Church of Laval.

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Of Tier Sakoienenhazi and others, Chiefs and Warriors of the St. Regis Indians; praying indemnity for loss sustained by them by the overflowing of their Lands, by reason of the construction of a Dam at the head of the Beauharnois Canal by the Commissioners of Public Works.

Of V. Ouellette and others, of Windsor and its vicinity, County of Essex; praying that any application on the part of the Great Western Railway Company for authority to establish their terminus at any point below the upper Ferry of Windsor may not be granted.

Of the Reverend Daniel Gordon, Minister, and others; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service.

Of the Reverend Daniel Gordon and others, of the Townships of Tingwick and Winslow; praying aid to open a Road through the said Townships.

Of the Corporation of Bishop's College at Lennoxville; praying certain amendments to the Act incorporating the said College.

Of Messieurs Langevin, Masson, Thibaudeau and Company, and others, Merchants, and others, of the City of Quebec; praying that the Petition of certain persons, traders and petty chapmen of the said City, for the passing of an Act to remove certain restrictions on their Trade at the said City may not be granted.

Ordered, That the Petition of the Reverend William McMurray and others, of the Town of Dundas, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Quebec Temperance Hall Association, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate the Quebec Temperance Hall Association, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That the Committee, yesterday, with a view to the advantage and interest of the Parties, and considering the distance of the said County from this place, and the difficulty of communicating with certain parts thereof, had granted time to the petitioning Parties and to the sitting Member, by their several Advocates and Attornies, and with their mutual concurrence and agreement thereto, till Wednesday next, the 13th instant, to produce and file before the Committee their Lists of Objections to the Voters at the said contested Election; and that they had also, yesterday, granted time to the sitting Member, by his Advocates and Attornies, with the consent of the Petitioners by their Advocates and Attornies, until Friday next, the 8th instant, to produce and file the means of rebutting the allegations and conclusions of the said Petition; and that in granting that further delay to the parties, the Committee were influenced by a desire to procure the most ample information on both sides, in order that full and satisfactory justice might be done to them.

Ordered, That Mr. Langton have leave to bring in a Bill to vest in the Little

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Lake Cemetery Company certain allowances for a Road in the Park Lots of the Town of Peterborough.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That the Petition of James Motz, of the City of Quebec, Esquire; and the Petition of P. Paradis and others, of the Parish of St. Henry, County of Dorchester, be printed for the use of the Members of this House.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the City of Toronto to negotiate a Loan of One hundred thousand pounds to consolidate a part of the City Debt," without any Amendment.

And then he withdrew.

Ordered, That Mr. Morrison have leave of absence for two weeks from this day, on urgent private business.

Ordered, That Mr. Wright of the West Riding of York have leave of absence for two weeks from this day, on urgent private business.

A Message from His Excellency the Governor General, by René Kimber, Esquire, Gentleman Usher of the Black Rod:--

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker with the House, went to the Legislative Council Chamber:--

And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Bills:--

An Act to provide an efficient remedy against any inconveniences which might result from the destruction of certain Registers of the Parish of St. Louis de Lotbinière.

An Act to declare the intention of the Law organizing the Notarial Profession, with respect to the study of that Profession.

An Act to confer certain powers on Municipal Corporations and Companies to take materials to repair Roads.

An Act for avoiding doubts which might otherwise arise from the Act making alterations in the Territorial Divisions of Upper Canada having come into effect since the last General Election.

An Act to repeal the fifth and sixth Sections of "The Railway Clauses Consolidation Act."

An Act to authorize the City of Toronto to negotiate a Loan of One hundred thousand pounds to consolidate a part of the City Debt.

George Okill Stuart, Esquire, John Langton, Esquire, John White, Esquire, James Smith, Esquire; Chairman, George Etienne Cartier, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, their Names were called over; and being come to the Table, they were sworn by the Clerk.

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Ordered, That the Petition relative to the Election and Return for the City of Toronto, be referred to the Select Committee appointed to try and determine

the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for that City.

Ordered, That the said Committee do meet forthwith, in Committee Room No. 3, of the House.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have agreed to the Address to Her Majesty on the subject of the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, by filling up the blank with "the Legislative Council and": And also,

The Legislative Council have passed the accompanying Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address of both Houses to Her Majesty on the subject of the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, to which they desire the concurrence of this House:

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council of Canada, in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And also, the Legislative Council have agreed to the Address to Her Majesty on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America, by filling up the blank with "the Legislative Council and": And also,

The Legislative Council have passed the accompanying Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address of both Houses to Her Majesty on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America, to which they desire the concurrence of this House:

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and of Canada, in Provincial Parliament assembled, beg leave to approach Your Excel-

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lency with our respectful request, that you will be pleased to transmit our Joint

Address to Her Most Gracious Majesty on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And then he withdrew.

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty with reference to the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the subject of the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty with reference to the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the Subject of the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America, by filling up the blank with the words "and Commons."

Ordered, That the Honorable Mr. Hincks do carry the said Message to the Legislative Council.

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America, by filling up the blank with the words "and Commons."

Ordered, That the Honorable Mr. Merritt do carry the said Message to the Legislative Council.

Ordered, That the Select Committee on the Toronto Election Petition have leave to adjourn for fourteen days, on account of a death in the family of one of its Members.

Ordered, That Mr. White have leave of absence for fourteen days, on account of the death of a member of his family.

Joseph H. Jobin, Esquire, The Honorable William Benjamin Robinson, Joseph Curran Morrison, Esquire, John McDougall, Esquire; Chairman, Louis V. Sicotte, Esquire, being the Select Committee appointed to try and determine the matter of

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the Petition complaining of an undue Election and Return for the County of Prince Edward, their Names were called over:--And Louis V. Sicotte, Esquire, not appearing within one hour after four of the clock;

On motion of Mr. Polette, seconded by the Honorable Mr. Macdonald, Ordered, That the Order of this House of the 30th September last, granting leave of absence to Mr. Sicotte to the tenth instant, be now read:--And the same being read;

Ordered, That the 76th Section of "The Election Petitions' Act of 1851," be now read:--And the same being read;

Resolved, That the absence of Mr. Sicotte under leave of this House, is sufficient cause why his attendance should be dispensed with.

Ordered, That the Petition complaining of an undue Election and Return for the County of Prince Edward be referred back to the General Committee of Elections.

Mr. Christie of Gaspé moved, seconded by Mr. Dubord, and the Question being put, That this House do now resolve itself into a Committee, to take into consideration the expediency of completing the Highway between Gaspé Basin and the Ristigouche, by erecting the necessary Bridges over the principal Rivers which intersect the said Highway, as made at the Provincial expense since 1841; and of an humble Address to His Excellency recommending the subject to his consideration;¹

MR. R. CHRISTIE moved² the House into Committee of the Whole to take into consideration the expediency of completing the Highway between Gaspé Basin and the Ristigouche, by erecting the Bridges at the Provincial expense, and of an humble Address to His Excellency, recommending the subject to His Excellency's consideration. He stated it was his belief that the Government would oppose his motion on the same principle that they would oppose the reference of a petition asking for a grant of money--for in effect that was the object of his motion. But at any rate whether he succeeded or failed, it afforded him the opportunity of expressing on the floor of that house and in face of the country, the just complaints and grievances of his constituency and that alike of his colleague the hon. member for Bonaventure who universally believed themselves aggrieved by the Government by neglecting those interests. Year after year the people of Gaspé had petitioned. He and the former member for Bonaventure had in addition to these petitions also, year after year, applied by letter, supplicating the attention of the Government to the subject, but all had been in vain.³ After describing the main road to that District, he went into a statement, for the purpose of showing the manner in which that from Ristigouche to the Gaspé Basin and the Kempt road, had been neglected, on which no less than £25,000 had been expended.⁴ They complained that the road opened from Gaspé Basin along the gulf coast, and north shore of Bay Chaleur to the Restigouche [*sic*], at the public expense, had been left unfinished and imperfect for want of the necessary bridges over the many large rivers which intersect the road over a distance of about 175 miles⁵, and [these roads] were fast giving up....The reason of which was the neglect of the Executive Council to [respond to] representations that had been made, from time to time, by the inhabitants on the subject, and who very naturally felt that they had been ill-used⁶. In almost all other parts of Canada, particularly in the Western Region of it, vast sums had been expended for roads, and these roads had been finished and delivered complete to the local authorities. Gaspé had a right to the same measure of justice, and it was because it had not been so dealt with, that the inhabitants complained and with reason. Upper Canada had the advantage over Gaspé in soil, climate, and length of the summer season, and for this reason alone, were there none other, Gaspé at the North Eastern and in [the] most frigid part of settled Canada was entitled peculiarly to the fostering care of the Government. However, no part of Canada had been so studiously neglected by the Government. This neglect, the people, or at least many of them, attributed to the neglect of their representatives, whereas, as every member of the House knows, not a farthing could be voted by the Assembly without the previous recommendation of the Executive. This recommendation could not always be obtained.

The government, indeed, he well knew, could not always, however well disposed, in justice grant it. There were, always very many calls upon it, more than the means at its disposal enabled it to answer. But this was not generally understood by the people, most of whom imagined that their representative had only to rise in the house, call for a vote, and that money as abundant as in California or Van Dieman's Land would be forthcoming. As for his constituency and that of his hon. colleague they could not avoid casting their eyes on the opposite coast⁷, across the Bay of Chaleur⁸, [to] the neighbouring Province of New Brunswick, where ... [they] observed the very best roads in the world.⁹ From Ristigouche to Pictou, a road along the coast with bridges, exceeded by none in America, was to be seen, and disadvantageously contrasting their situation with that of their more fortunate neighbours.¹⁰ There are bridges of a mile in length, built in the most substantial manner.¹¹ This had been done for them by the Legislature at the provincial expense, as the Gaspé high road with its bridges ought also to have been at the public expense. Do this for the inhabitants of Gaspé,--make and deliver them a finished and complete road, and if they do not keep it in good order, it will be their own fault, as they also will be the sufferers.¹² He then recapitulated¹³ the heavy sums voted for various roads in other parts of Canada,¹⁴ and he put it to the Government, while making such liberal appropriations of money elsewhere, whether it would not be worth while to attend to the roads in the county which he represented.¹⁵ He suggested that for the purposes of settlement, as well as for the safety of the river Navigation, a road should be opened along the South Shore of the St. Lawrence from Montreal to Cape Rosier, and the Bay of Gaspé. That if such a road were opened every inch of ground, he believed, would be taken up in less than three years! He even believed that if the Government gave the lands along the coast on the sole condition of opening a road across them, persons would come forward and take them up, and that a road might be made the whole distance without costing the treasury a penny. The Kempt road, he said, was fast filling up with a young growth of trees, and would soon become impracticable, unless means to keep them down were immediately taken, as he hoped they would be before the end of the Session.¹⁶ If something were not done this year, the carriage of the mail will be interrupted. The Government would not permit an address to be moved upon the subject; but still he hoped they would attend it. The road was unsettled, he said, for a considerable extent: and the result was, that in case of shipwreck, crews of vessels which had succeeded in getting to shore, had been known to perish afterwards, for want of human assistance.¹⁷ He thought that £500 would suffice for this service--£25 a year ought, he also thought, to be granted to a settler, at the River Assausetquagan on that road. He was of opinion that if the Government would give up the whole revenue of the District towards the construction of the bridges in question, it would meet with the approbation of the House. He was well aware of the liberality of the Upper Canada members, and knew he could rely upon it, but he also knew, that like his own, their arms as well as his own were tied up, and that they could do nothing but with the leave of the Government.¹⁸ Constituencies ... were disposed to blame their representatives, where their just claims continued to be neglected, but he believed the members of the House would give him credit for a vigilant attention to his duties in the Assembly.¹⁹ He concluded by moving his resolution²⁰ of which he had given notice, to refer the state of the road from Gaspé to the Committee of the Whole.²¹

MR. INSP. GEN. HINCKS replied that the member for Gaspé seemed to be well aware of the course which the Government must necessarily pursue. He should have contended himself with acting as is usual, when similar motions are brought forward, were it not desirable to explain the position of the Government. When grants of public money are moved for, he said, it was the practice to charge the

Government with not allowing them to be discussed. Now, it must be obvious that nothing could be more calculated to relieve the Government of all responsibility, than referring these subjects to committees. By the provisions of the Union Act, it is provided that no motion for a vote of money can come up, except at the instance of the Government: the object of which was to prevent those combinations which members of former Parliaments understood and where no responsibility [was] attached to [the] Government. That system, he said, must always prevail when they did not assume that responsibility.²² [He] opposed the motion on the ground that ministers had not sanctioned this grant, and that therefore, the question could not be entertained by the House.²³ It would be certainly more agreeable if they could pursue the course which had been suggested; but, unfortunately, it was for them to decide upon the character of claims that were made; and if they cannot vindicate their proceedings, they must forfeit the confidence of a majority of the House. He considered the present practice as most conducive to the public interests. He went on to say it was not the most convenient time to discuss the roads of Gaspé. Of course the Government were always glad to have the opinion of different members from different parts of the Province²⁴ on this and similar subjects, and would judge accordingly.²⁵ The matter would, he said, be taken into consideration; and when the estimates came down, and the House shall be in Committee of Supply,²⁶ the hon. member [Mr. Christie, and the other]²⁷ members²⁸, would be at liberty to censure²⁹ the Government if they thought proper.³⁰ In answer to what had been said about the expenditure of money for roads,³¹ there was no question more difficult to manage than those involving local interests: and as had been stated, repeated applications had been made with reference to the roads in Gaspé; but it was not an unusual thing for members to supplicate the Government for a number of years, for aid to local improvements.³² He submitted that it was not because these expenditures had been improperly made, that the government, which was responsible for such expenditure, should go farther with its present experience, in the same course of improper expenditure. He did not then go into the general question; but he would remark³³, however³⁴, that since the establishment of municipal institutions it had been held that they should themselves attend to these local improvements.³⁵ Large sums had been spent in Upper and Lower Canada, and it was a mistake to suppose that money was not expended in the latter section of the Province. He concluded by referring to macadamized and plank roads, which had not been found to yield a return, and which had to be abandoned because it was found inexpedient to repair them.³⁶

A few remarks of a local nature [came] from members for Lower Canada³⁷.

MR. R. CHRISTIE said he did not deem it proper to divide the House³⁸ [and] withdrew his report; but in doing so, contended that some improvements ought to be made³⁹ ... [to] the roads⁴⁰ in Gaspé⁴¹, referred to by him⁴², where not only the roads were bad⁴³, but the jails were in a most filthy and disgusting condition, and in a state shocking to humanity.⁴⁴ He had merely endeavored to do his duty to his constituents by bringing the thing up, and urging it as he could, for the want of these things was imputed to the fault of the representative.⁴⁵

Some words [came] from MR. MACKENZIE, who said the system which prevailed before responsible government was better calculated for securing public improvements than the present, and that it would be very desirable to distribute the whole surplus in the treasury according to population, instead of letting it lay in the hands of Bankers, without interest, or at 4 per cent interest.⁴⁶

MR. EGAN could not let the occasion pass by without calling the attention of government to the urgent wants of public improvements in the County of Ottawa. At present he assured the House that in the winter time it was impossible to pass from Hull to Montreal, on account of the numerous rivers which were unbridged.

He enumerated these bridges, and said that the inhabitants of the County had to go, at present, through Upper Canada to get to their Court House or to market.⁴⁷

MR. SANBORN complained of the position in which members were placed by the present system, from their constituents thinking them inefficient. Last year he asked about Academies and grammar Schools in Lower Canada and was referred to the estimates. This year the hon. member for Gaspé was treated in the same way. He did not approve or condemn the policy of the government, but if it were their determination hereafter to grant nothing to public works, except of a Provincial nature, they ought to state their determination at once, so that it should be understood.⁴⁸

MR. PAPINEAU supported the views of the hon. member for Ottawa. In a distance of about eighteen miles on the Ottawa there were six streams, which were some times impassible. By these means the people in his property, though they had made their own township roads, were shut in completely from market and from Court House. The same thing was true of the neighbouring counties.⁴⁹

MR. AT. GEN. DRUMMOND acknowledged the justice of the complaints of the hon. members for Ottawa and Two Mountains. The policy of the government, however, necessarily adopted [*sic*] in order to be able to proceed with great Provincial works, and to maintain the credit of the Province, had been, since 1849, to make no public works of a local nature except such roads as would open up tracts of wild lands.⁵⁰

MR. TESSIER expressed his desire that government would reconsider its determination on this subject, and instanced his own county, Portneuf, as one, where bridges were necessary, in localities where, and of a character which could not be expected from the neighbouring inhabitants.⁵¹

DR. LATERRIERE condemned the policy, which devoted all the means of the country to railroads and none to local roads, as highly injurious to the agriculturist.⁵²

MR. COM. PUB. WORKS CHABOT defended it, because he conceived the interests of the agriculturist could be forwarded by nothing so much as by the creation of railroads. If the government gave the millions, which were demanded on all hands for these local works, the country would soon be bankrupt.⁵³

MR. CLAPHAM thought both extremes were bad. The demand for these local improvements had been excessive, and that caused the power of granting them to be removed from the house; but at the same time, it seemed to him that certain local improvements might probably be made.⁵⁴

MR. BOULTON, after some preliminary remarks, stated that sir Cameron had promised money for roads in the County of Huron.⁵⁵

MR. PRES. EX. COUN. CAMERON denied ... this⁵⁶.

MR. BOULTON expressing his surprise said he could not have expected such contradiction from a minister of the crown.⁵⁷

MR. BROWN said he was quite confounded with the assertion of the hon. member for Huron that he had promised no roads. He did not pretend to know what the hon. member for Huron stated at the time of his election, because he was not there to hear; but he knew what was published in his name, and that was distinctly that roads would be made. It was stated on behalf of that hon. member that a great part of the money received for wild lands would be expended in making roads. This was of course intended to carry votes in Huron. The hon. member for Toronto, therefore, did not deserve to be contradicted as flatly as he had been. He had been good enough to say that he could not expect such contradictions from a

minister of the crown. He (Mr. B.)⁵⁸ thought they were quite to be expected.⁵⁹

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It passed in the Negative.

Resolved, That a Message be sent to the Honorable the Legislative Council, to request that their Honors will give leave to the Honorable James Morris to attend and give evidence before the Special Committee of this House to which are referred the several Petitions on the subject of Sabbath labor in the Post Office Departments and on the Canals.

Ordered, That Mr. Brown do carry the said Message to the Legislative Council.

Ordered, That Mr. Dumoulin be added to the Select Committee to which are referred the several Petitions on the subject of Sabbath labor in the Post Office Department and on the Canals.

The Order of the day for the third reading of the Bill to amend the several Acts incorporating the Company of Proprietors of the Champlain and St. Lawrence Railroad, and for other purposes, being read;

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the House in Committee on the Bill to authorize the Montreal and New York Railroad Company to extend their Railroad, and to acquire the land necessary for such extension, and for other purposes relative to the said Company, being read;

Ordered, That the said Order of the day be postponed until To-morrow.

*The Order of the day for the second reading of the Bill to incorporate the Grand Trunk Railway Company of Canada, being read;*⁶⁰

MR. CARTIER moved the second reading of the bill to incorporate the Grand Trunk Line Railway Company.⁶¹

MR. BROWN hoped that the bill would not be read a second time⁶² [and] passed⁶³ without some explanation by the Government. Companies were already in existence for carrying out this very work, and the House should understand what is the policy of the Government in a matter of such importance.⁶⁴

MR. INSP. GEN. HINCKS did not see any necessity for⁶⁵ the government⁶⁶ making a speech⁶⁷ [or giving] any explanations⁶⁸ at this moment; but he would remark that as it had been frequently suggested during the discussions, that this bill should have been brought in on the responsibility of the Government, he had been unable to discover any reason why the Government should bring in this bill more than any other, for the construction of a railroad on which the Provincial guarantee was to be given. It was not a Government measure, nor did the Government intend to throw any more responsibility on the Province for the construction of this road, than for any other railroad. Then, as to another point; he did not think that the proper time had arrived for entering on the discussion which the member for Kent wished to provoke. The House was bound to suppose that the standing Committee on railroads would take the whole question into consideration, and on their report being made, the House would be fully prepared to go into the debate. The parties who now hold the charter had no especial rights under that charter—no exclusive right to construct this line of railroad: but that would come up on the report of the Standing Committee.⁶⁹ The bill was to incorporate a private railway company, and it was not the custom to give explanations when such charters were asked. The bill would be read pro forma and referred to the railway committee, and they would decide upon conflicting claims; but he would state that the other company had waived their opposition.⁷⁰

MR. BROWN was not satisfied with the explanations of the hon. Inspector General

and he would hold the government responsible for the bill.⁷¹ Every person knew that this bill was not an ordinary Railway Bill, but a special measure. Every person knew that the Inspector General had gone to England expressly for the purpose of securing some money to carry out a grand scheme of railroads; but the House had, as yet, heard no explanation of the results of his mission. There had been three different ministerial schemes for this Trunk Road before the country at different times, and some explanation of the causes of so many changes was reasonably to have been expected. It was evident that no such explanation was to be obtained. He would not, however, offer any further opposition to the second reading, but reserve what he had to say for a later stage, when the bill came from the committee⁷², when ... he hoped there would be a discussion on its merits.⁷³ He begged to say, however, that the country would hold the Government responsible for this bill, no matter whose hands it might be put into.⁷⁴

The motion for the second reading was then carried, and the bill was referred to the standing committee.⁷⁵

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

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The Order of the day for the second reading of the Bill to incorporate the Cobourg and Peterborough Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to authorize the formation of a Company to construct a Railroad on the North Shore of the River St. Lawrence, from the City of Quebec to the City of Montreal, or to some convenient point on any Railway leading from Montreal to the western Cities of this Province, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Toronto, Simcoe, and Huron Union Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Toronto and Guelph Railway Company, as to allow of an extension of the said Road, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to incorporate the Grand Junction Railroad Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to authorize the construction of a Railroad from Galt to Guelph, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Bytown and Prescott Railway Company, being read;

Ordered, That the Bill be read a second time on Monday next.

The Order of the day for the second reading of the Bill for the granting of certain Lots in the Town of Bytown to the Bytown and Prescott Railway Company, being read;

Ordered, That the Bill be read a second time on Monday next.

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The Order of the day for receiving the Report of the Committee of the whole House to take into consideration certain Resolutions relative to the Guarantee of a Loan of One hundred thousand pounds to the Owners of building Lots in the City of Montreal whose buildings were destroyed by the late Fire,--and also, relative to the Guarantee of the payment of the Principal and Interest of the said Loan, being read;⁷⁶

A long discussion took place⁷⁷.

MR. INSP. GEN. HINCKS rose to move the adoption of the report of the Committee of the Whole, in favour of guaranteeing a Loan of £100,000 to re-build houses in Montreal.⁷⁸

MR. BROWN hoped the motion would not be granted. It was unnecessary to repeat the arguments urged against the Loan in the Committee, and he thought the principle involved in it, had been clearly shown to be evil in its tendency, and most dangerous as a precedent. If assistance were granted on this occasion to the citizens of Montreal--how could it be refused to any other section of the country? Constant applications for assistance would be the certain result, and the Government would be looked to by the sufferers to help them out of their difficulties, when they had far better trust to their own exertions.⁷⁹

MR. MACKENZIE opposed the motion. He contended that the province ought not to interfere in this matter at all; and that it would afford a bad precedent. He admitted that a great calamity had befallen Montreal and he felt regret at that, but he did not believe it was any part of his duty in that house to vote the sufferers aid. The hon. member spoke at length on the evil of granting aid of this kind; and turning towards the reporter's gallery he complained of being so often made "inaudible from his position and low tone of voice" by the reporters. He also thought the reports were generally too short, and that it was a hard case that a people of two millions should only have two reporters to note down the speeches of their representatives; and worse still that the staff of two should be reduced by the absence of one, who had to go up to Brockville to report some great trial there. (Laughter.) One reporter for two millions of people! It was a hard case indeed. (Continued laughter.) He thought that if all the newspapers in the province could only afford to have two reporters, the House had better pay something in order to have fuller reports of its proceedings laid before the country.⁸⁰

MR. INSP. GEN. HINCKS explained that the Province would run no risk, as first the property of the borrowers would be responsible, by a first mortgage, and then the corporation of Montreal was responsible, which was as good security as was proposed to be received for guaranteeing municipal debentures of the proposed consolidated trust loan fund. The Province would run no risk, and he believed if the corporation of Montreal could bear the remarks made, they would spurn the guarantee.⁸¹

MR. BADGLEY replied to Mr. Mackenzie's remarks.⁸²

The debate continued for some time to the same effect as that reported as having occurred on a preceding evening.⁸³

MR. SOL. GEN. CHAUVEAU said it could be clearly shown that the Province could incur no risk whatever, by making this grant; that it received the best possible security for the money, as it was secured not merely on the property to be improved, but on the whole City of Montreal. The member for Haldimand appeared to regret that the people of Upper Canada had had no occasion to make such an application to Parliament; the hon. member's constituents would scarcely be of his opinion on that point, but he could say, that if ever such a misfortune happened to any town in Upper Canada, there would not be a dissenting voice to a vote for assistance, among the members for Lower Canada. He also called attention to the fact, that a far more objectionable grant had been proposed by the Tory Government of 1845-46, for the relief of the Quebec sufferers, and it had passed through the House without a single objection. (Hear, hear.) The members for Kent and Haldimand profess to hold more liberal views than that Government--to be Liberals par excellence--but they are the sole opponents of this measure.⁸⁴

Several Lower Canada Members addressed the House in favour of the Loan.⁸⁵

MR. BROWN said, after what had fallen from hon. gentlemen, he must crave the indulgence of the House for a brief reply.⁸⁶ He said, plainly, that nothing but a desire to conciliate the Lower Canadians, who voted in one phalanx, could actuate one representative from Upper Canada in voting for so monstrous a bill. The real fact was the gentlemen on the Treasury Benches wished to retain the alliance of their French Canadian friends,--the gentlemen opposite wished to obtain the alliance,--and between them they were ready to vote for any thing under the sun, so long as it pleased the idols of their incense. Let any city of Upper Canada come here and ask such a measure as this, and they would be laughed to scorn. But it was Quebec that first asked and it got; now it was Montreal, and it got; and so it would be to the end of the chapter, for any proposition, however monstrous, so that it was for Lower Canada.⁸⁷ The Solicitor General for Lower Canada tells us, as argument for this loan, that a far more objectionable one was made by the last Tory Government in favour of Quebec, and there was not a single voice in the House raised against it. True, Mr. Speaker, such is the fact--but it was a disgrace to the House of which it is recorded. That same grant to Quebec was as gross an attempt at corruption, as ever was made in a Representative Assembly. (Hear, hear.) The hon. gentlemen on the other side of the House were then on the Treasury Benches, struggling for life, with hardly a majority, and, in their attempt to buy over the French Canadians to their assistance, this grand bribe was held out to them as the sequel to the Carou correspondence, and their opponents had not the moral courage to resist it. (Ironical cries of hear, hear.) Hon. gentlemen may cry hear, hear, but it is a fact not to be disputed, that this famous Quebec Loan was a political bait for the French Canadians of the District of Quebec. And the very same reasons that enabled that vote to be carried unanimously by a Tory Government in 1846, are as potent now, in 1852, and will doubtless pass the Inspector General's resolutions into law, with hardly

a dissenting voice. It needs no seer to comprehend the soft sayings we daily hear poured into French Canadian ears from both sides of the house. From the manner in which the gentlemen of French origin hang together, they hold the balance of power--and every one knows that the object of all this pandering, with one party, is to keep their alliance, and with the other to obtain it. We all understand this, Mr. Speaker, perfectly well--and that any measure demanded by the French Canadian members, or any concession to priestcraft, will pass without opposition from either side--no matter what it may contain. Let not the Solicitor General tell us then about the overwhelming majority for the Quebec bribe--the generosity of the transaction--and the readiness with which a similar grant for Upper Canada would be responded to. I perfectly understand--the whole house understands that Chatham, or Port Sarnia, or Toronto, might be burned to ashes to-morrow, and that I might come here and implore for a loan of a hundred thousand pounds for ten years to come, and not get a penny. Mr. Speaker, this question has not been fairly argued. The design of every speaker in favour of the loan has been to represent it as an aid to the distressed, and an appeal to our feelings of benevolence. But this is quite incorrect. The Inspector General, when brought to the point did not pretend to say that the poor sufferers by the fire were to benefit to the extent of a sixpence by this loan; he clearly showed that the whole object of the scheme is to give a higher share to the Kingston Loan Company than it would otherwise obtain. The wants of the destitute sufferers have been relieved by large contributions from Canada, the States, England, and other places. If these contributions were not sufficient for the object, let the Committee at Montreal make their appeal in this House, and I for one am ready to vote as large a sum as any reasonable man could demand. But, sir, I am not prepared to vote one penny for such a job as this. Who are to get this money? The poor and destitute? No, sir--but the land owners and land speculators to increase the value of the property. And not even from them does this application come? The Corporation of Montreal forces them to build houses of a certain grade: they are unwilling or unable--we have no proof which--to comply: to obtain their compliance, the Corporation offers a loan of £100,000; and how do they go about it? Why, they open negotiations with the Kingston Trust Company for the loan of the money for twenty years--and they get the promise of it at 6 per cent. if the Province will endorse the bond. Now, Mr. Speaker, what necessity is there for this? The rate is to be 6 per cent--the bonds of the Montreal Corporation are worth 100 cents per dollar in the market, and the Company is to get mortgages on all the houses as additional security--what necessity is there for any endorsement? Oh, says the Inspector General, Montreal debentures, truly, are worth par--but it is not intended to issue debentures--the Trust Company is to manage the whole details of the several loans, and to receive a simple guarantee, and a guarantee is not so valuable a security as a debenture. Very true, Mr. Speaker, but why does not the Corporation issue debentures? A guarantee is quite as binding as a debenture, and if the Corporation mean to meet the debt, in case of default, they will be in no worse position in the one case than in the other. Why, then should they not go into the money market in the most favourable position? Why do they not borrow the money on debentures, at par, and lend the money to their own citizens, without the intervention of a Kingston company? They do not need our guarantee. It will only benefit the Trust Company; and for such an end, I submit, we should not establish so injurious a precedent. By lending this money, you will be laying the foundation of a twelve years' agitation and cause of discontent in the city of Montreal; and even if we were to go into this transaction, why should we, while our securities are at 15 or 16 per cent. premium, give them at par to this Kingston Loan Company? Why cannot we borrow the money--give it to the Montreal Corporation, and save the large premium? The whole thing is a job--to put fifteen or sixteen thousand pounds into the pockets

of the Company of the gentleman opposite. But, Sir, I find this is not all. I could not understand the alleged necessity for the intervention of the Kingston Company, between the Corporation and the borrowers; but a paper has been this moment put into my hands, giving the clew to that circumstance. It will be recollected that the hon. member for Frontenac told us, last evening, that the law expenses, on a loan of £100 from this company, were £6 17s. Now, Sir, this hundred pounds--and on every one of them the searches, and deeds, and mortgages, and every species of legal device, are to be in requisition, for the benefit of the solicitors of the Kingston Company.⁸⁸

MR. J.A. MACDONALD.--I am not to get it!⁸⁹

MR. BROWN.--Well, the gentleman who sits beside you is, if you are not; and this, I am assured, is the secret of the company's agency. The calculation put into my hands shows that the costs will be at least from £3,000 to £4,000, to be torn from the poor people whose distresses have been so depicted; and with that fact before it, I will leave the subject to the House.⁹⁰

MR. BADGLEY would mention, for the consideration of the hon. member for Kent, that the corporation of Montreal is so tied up, that they cannot raise this money without an act of Parliament. As to the hon. member's assertion, that this money would go into the pockets of rich persons, he assured him that nothing of the kind would take place; all the wealthy persons whose property was destroyed, were insured, and not one of them would receive a sixpence. This he knew, that out of two thousand houses which were destroyed, by far the larger proportion were those of poor men: and it was to assist those persons who absolutely have not the means of reconstructing their houses, that this money was to be distributed.⁹¹

MR. INSP. GEN. HINCKS said, there was no greater fallacy than to suppose that gentlemen who opposed this motion had any real desire to relieve distress; and there could be no greater mistake than to suppose that the classes to which some gentlemen appeared to allude, were sufferers by the recent calamity in Montreal. The real sufferers were the small proprietors--the people who had invested the savings of a life in the construction of a house, and who were ruined by the loss of that house. The labouring man might lose a few pounds, but he, comparatively, was in a far better position than the other, as he could obtain assistance from relief committees, and the very day after the fire finds his wages increased, in consequence of the fire itself. Well, look at the position these small proprietors are placed in: their houses lie in ruins, and the Corporation says to them, "if you propose to rebuild your houses, they must be built of stone, as wood is a combustible material, and might endanger the city!" The Corporation feels that it can scarcely treat these people in this manner, except it can extend some assistance to them for the purpose of carrying out its instructions; and as it had not the means to give that assistance, it came down and made this application to the Government. All the circumstances being fully considered, the Government did not see how it could refuse the application, but resolved to limit the amount to be granted to each person, to £500. That sum certainly would not suffice for rebuilding the property of Messrs. Moffatt or McGill, or of those persons whose property was destroyed on Dalhousie Square. It was perfectly clear that this sum of £500 would be useless to them. So far, therefore, the proposition of the Government was not a job; and as to another point which had been advanced on a previous evening, he would say that it was not intended to be a job, by allowing the debentures to pass into the hands of speculators; the object of the resolution being in reality to bring the persons who are to receive directly into contact with the Government.⁹²

MR. COM. PUB. WORKS CHABOT spoke in French.⁹³

MR. CAUCHON wished to set the hon. member for Kent right. The hon. gentleman had said that the grant to the Quebec sufferers was given as a bribe by the Tory Government; now he was thoroughly acquainted with the facts, and he believed that the Government of the day was averse to any grant of assistance to the people of Quebec; but that they could not positively refuse in consequence of the overwhelming nature of the calamity, and the great sympathy for the sufferers which was excited, not only in this country, but also in the States and in Europe. The proof of their unwillingness to give any assistance, was shown by the fact that the first proposition was to allow the people of Quebec to borrow money at 5 per cent. when the Government itself could not obtain it at six per cent.; and the next session, the Government told these people to go themselves into the English market and negotiate the debentures. (The hon. member concluded by reading an editorial from the Montreal Witness, in which mention was made of the hon. member for Kent, and which afforded him subject for ridicule⁹⁴ and commenting upon it in a way to excite the taunts and merriment of the Roman Catholics, and of Mr. Hincks and one or two other Protestants.⁹⁵)

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The Honorable Mr. Hincks, a Member of the Executive Council, by command of His Excellency the Governor General, acquainted the House, that His Excellency having been informed of the subject-matter of the said Resolutions, recommends it to the consideration of the House.

Then Mr. Murmery reported the Resolutions of the Committee; which were read, as follow:--

1. Resolved, That it is expedient to authorize the Corporation of the City of Montreal to guarantee the payment of the principal and interest of such sums, not exceeding in the whole One hundred thousand pounds, currency, as may be lent by any party or parties, for a period not less than twenty years, and at a rate of interest not exceeding six per cent. per annum, to the owners of building lots in the said City, the buildings on which were destroyed by the great Fire on the 8th July last, for the purpose of enabling such owners to reconstruct the buildings so destroyed: Provided that no such loan for the purpose of reconstructing the buildings upon any one lot of ground shall exceed Five hundred pounds; that the lender shall have for the principal and interest of the loan a privilege claim upon the buildings so constructed, preferable to all claims whatever, and a hypothec on the lot of ground itself ranking next after the claims upon the same existing prior to such loan, to which claims the said Corporation shall be subrogated in place of the lender for any amount they may, under such guarantee as aforesaid, be called upon to pay on account of such loan.

2. Resolved, That it is expedient to authorize the Provincial Government to guarantee the payment of the principal and interest of any such loan as aforesaid, in case both the borrower and the said Corporation should, upon being thereunto duly required, fail to pay the same; the Government having in such case the right to recover the sum so paid, with interest either from the said Corporation or from the borrower, and being, as regards such sum and interest, subrogated to the lender, and to all his privileges and rights as such.

And the first Resolution being read a second time; and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided:⁹⁶ and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Burnham, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Dixon, Dubord, Dumoulin, Egan, Fortier, Fournier, Gouin, Hincks, Jobin, Lacoste, La-

Terrière, Laurin, LeBlanc, LeBoutillier, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Malloch, Marchildon, McDougall, Merritt, Murney, Papineau, Patrick, Poulin, Attorney General Richards, Ridout, Sanborn, Shaw, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Taché, Terrill, Tessier, Turcotte, Valois, Willson, and Young.--(51.)

NAYS.

Messieurs Brown, Mackenzie, and [Mattice].⁹⁷--(3.)

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So it was resolved in the Affirmative.

The second Resolution, being read a second time, was agreed to.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill for the Relief of Sufferers by the late Fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said Fire.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

*The House, according to Order, resolved itself into a Committee on that part of the Report of the Commissioners of Public Works for the year 1851, relating to the opening of a Canal between the St. Lawrence and Lake Champlain, for the purpose of taking into consideration certain Resolutions in relation thereto;*⁹⁸

The House again went into Committee of the Whole, on the resolutions of Mr. Merritt, relative to the construction of a Canal from the St. Lawrence to Lake Champlain.⁹⁹

MR. MERRITT said that his object in pressing this measure on the attention of the Government, was to render¹⁰⁰ the existing canals of the Province¹⁰¹, the Welland and St. Lawrence canals, profitable, by bringing through them a portion of that immense trade, which now finds its way down from the Western to the Eastern States by the Erie Canal. Some gentlemen¹⁰² from Lower Canada¹⁰³ appeared to fear that this canal¹⁰⁴, if made¹⁰⁵, would cut off a portion of the trade which now goes down the St. Lawrence, but that was a mistake, as not a barrel of flour intended for the European market¹⁰⁶, which otherwise would go to sea by way of Quebec¹⁰⁷, would be diverted by this route¹⁰⁸ though it were made. Mr. Merritt then proceeded to point out the large trade, which must arise between the Western and New England States by opening up this route.¹⁰⁹ The importance of that trade must be evident to every one who considered the subject for a moment. As to the advantages, it would be sufficient to say, that vessel[s] carrying 10,000 barrels of flour¹¹⁰ could come down the St. Lawrence, and¹¹¹ would be enabled to pass direct from Lake Erie to the Hudson, if three bars, in the St. Lawrence, were removed, thus throwing all competition by the Erie Canal completely into the back ground.¹¹² The canal now proposed would go into the heart of the trade of New York. The American canals would shortly have their whole debt paid, and when that was done the opportunity which we now enjoyed would be lost. The reason the canals did not now pay was the high price of ocean freight, which would be overcome by getting to New York by the canal from the St. Lawrence to Lake Champlain.¹¹³

MR. H. SMITH (Frontenac) asked how we were to get from Lake Champlain to New York.¹¹⁴

MR. MERRITT said Canadians could not get to New York, because they had no authority in a foreign country; but we could take Flour to Albany by Lake Champlain, cheaper than by Oswego, and thus the produce which was intended for New York having first to go to Albany would go to Albany as the nearest course.¹¹⁵

MR. INSP. GEN. HINCKS has already¹¹⁶ stated on a preceding evening that the

government were not prepared at present to say what they would do on this¹¹⁷ question. The late Commissioner of Public Works, it is true, had made a very able report in favor of the proposed work; but there had been a change in the Government, and the successor of that hon. gentleman had found it impossible to give the subject his attention up to the present. The course pursued by the¹¹⁸ hon. member for Lincoln was not, he thought, the best calculated to secure the object he aimed at¹¹⁹, for, when a government was pressed to come to a decision on a point which they had not maturely considered, it must be evident that they were bound to decide in the negative.¹²⁰ His hon. friend the Commissioner of Public Works, he supposed had been unable at present to get to his subject. For himself, he was friendly to the canal. He would not give a vote on the principle of this motion; but¹²¹ if the hon. member persisted in his motion, he (Mr. H.) would feel that it was his duty to move that the Committee do rise and report progress, or simply that they do rise.¹²²

A good deal of¹²³ conversational discussion ensued, relative to the adjournment of the debate to a future day, and it was finally agreed to. The Committee then rose and reported to the house.¹²⁴

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dubord reported, That the Committee had made some progress, and directed him to move for leave to sit again.

No decision was arrived at, but the committee obtained leave to sit again on Monday next.¹²⁵

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Ordered, That the Committee have leave to sit again on Monday the eighteenth instant.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of Mr. Ridout, seconded by Mr. Murney,
The House adjourned.*

APPENDIX: 7 OCTOBER 1852.

[REJECTED MOTION FOR WANT OF NOTICE RE: MAIN TRUNK LINE OF RAILWAY.]¹²⁶

MR. CARTIER moved that the rule of the House which required notices of private bills to be hung up should be dispensed with respecting the Main Trunk Line.¹²⁷

MESSRS. BROWN and YOUNG expressed a hope that in this measure which was of so great importance and which involved the expenditure of so large a sum of money that no unusual haste would be exhibited.¹²⁸

MR. R. MCDONALD contended the same thing.¹²⁹

MR. INSP. GEN. HINCKS wanted to know whether these gentlemen wanted to stop the bill altogether, or what was their object.¹³⁰

MR. R. MCDONALD conceived that this imputation of intention on the part of members opposed to the bill was exceedingly unfair.¹³¹

MR. INSP. GEN. HINCKS.--Well, hon. members might take their own course on their own responsibility.¹³²

MR. R. MCDONALD could not understand the hon. member's mode of lecturing the House, and being glad to see that an accommodation was likely to be arrived at with the gentlemen in Montreal, wanted to give those gentlemen time to be heard before the committee.¹³³

MR. BROWN, too, wished the people of Upper Canada and the whole country to have an opportunity of expressing an opinion.¹³⁴

Eventually the motion to rescind the rule was rejected ... by MR. J.S. MACDONALD the SPEAKER ... for want of notice¹³⁵.

FOOTNOTES: 7 OCTOBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 9 October 1852, QUEBEC GAZETTE, 11 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, HAMILTON SPECTATOR DAILY, 13 October 1852, and BRITISH COLONIST, 15 October 1852; NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by GLOBE, 16 October 1852. The following papers noted the debate in identical accounts: BRITISH COLONIST, 8 October 1852; BRITISH WHIG, 8 October 1852; MONTREAL GAZETTE, 8 October 1852; PILOT, 9 October 1852; EXAMINER, 13 October 1852; BATHURST COURIER, 15 October 1852; and OTTAWA CITIZEN, 16 October 1852.
2. GLOBE, 16 October 1852.
3. MORNING CHRONICLE, 9 October 1852.
4. GLOBE, 16 October 1852.
5. MORNING CHRONICLE, 9 October 1852.
6. GLOBE, 16 October 1852.
7. MORNING CHRONICLE, 9 October 1852.
8. GLOBE, 16 October 1852.
9. IBID.
10. MORNING CHRONICLE, 9 October 1852.
11. GLOBE, 16 October 1852.
12. MORNING CHRONICLE, 9 October 1852.
13. GLOBE, 16 October 1852.
14. MORNING CHRONICLE, 9 October 1852.
15. GLOBE, 16 October 1852.
16. MORNING CHRONICLE, 9 October 1852.
17. GLOBE, 16 October 1852.
18. MORNING CHRONICLE, 9 October 1852.
19. GLOBE, 16 October 1852.
20. MORNING CHRONICLE, 9 October 1852.
21. GLOBE, 16 October 1852.
22. IBID.
23. MORNING CHRONICLE, 9 October 1852.
24. GLOBE, 16 October 1852.
25. MORNING CHRONICLE, 9 October 1852.
26. GLOBE, 16 October 1852.
27. MORNING CHRONICLE, 9 October 1852.
28. GLOBE, 16 October 1852.
29. MORNING CHRONICLE, 9 October 1852.
30. GLOBE, 16 October 1852.
31. MORNING CHRONICLE, 9 October 1852.
32. GLOBE, 16 October 1852.
33. MORNING CHRONICLE, 9 October 1852.
34. GLOBE, 16 October 1852.
35. MORNING CHRONICLE, 9 October 1852.
36. GLOBE, 16 October 1852.
37. IBID.
38. ~~IBID.~~
39. MORNING CHRONICLE, 9 October 1852.
40. GLOBE, 16 October 1852.
41. MORNING CHRONICLE, 9 October 1852.
42. GLOBE, 16 October 1852.
43. MORNING CHRONICLE, 9 October 1852.
44. GLOBE, 16 October 1852.

45. MORNING CHRONICLE, 9 October 1852.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. GLOBE, 16 October 1852.
56. IBID.
57. MORNING CHRONICLE, 9 October 1852.
58. MORNING CHRONICLE, 9 October 1852. QUEBEC GAZETTE, 11 October 1852, misprinted "Mr. B." as "Mr. H."
59. MORNING CHRONICLE, 9 October 1852.
60. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 9 October 1852, QUEBEC GAZETTE, 11 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, BRITISH COLONIST, 15 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852; GLOBE, 16 October 1852, and NIAGARA MAIL, 20 October 1852.
61. GLOBE, 16 October 1852.
62. IBID.
63. MORNING CHRONICLE, 9 October 1852.
64. GLOBE, 16 October 1852.
65. IBID.
66. MORNING CHRONICLE, 9 October 1852.
67. GLOBE, 16 October 1852.
68. MORNING CHRONICLE, 9 October 1852.
69. GLOBE, 16 October 1852.
70. MORNING CHRONICLE, 9 October 1852.
71. IBID.
72. GLOBE, 16 October 1852.
73. MORNING CHRONICLE, 9 October 1852.
74. GLOBE, 16 October 1852.
75. IBID.
76. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 9 October 1852, QUEBEC GAZETTE, 11 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, BRITISH COLONIST, 15 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by: GLOBE, 14 October 1852, which also contained a commentary; and GLOBE, 16 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 9 October 1852, BRITISH WHIG, 9 October 1852, GLOBE, 9 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852. The commentary which appeared in GLOBE, 14 October 1852, noted that "a good deal of feeling was shown by the members from Lower Canada" during this debate.
77. HAMILTON SPECTATOR DAILY, 9 October 1852.
78. GLOBE, 16 October 1852. BRITISH WHIG, 9 October 1852, noted in error that the amount of the loan under discussion was £10,000.
79. GLOBE, 16 October 1852.
80. MORNING CHRONICLE, 9 October 1852.

81. IBID.
82. IBID.
83. IBID.
84. GLOBE, 16 October 1852.
85. IBID.
86. IBID.
87. IBID., 14 October 1852.
88. IBID., 16 October 1852.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. GLOBE, 14 October 1852, which commented that "Mr. Chabot and Mr. Cauchon, as they could not answer by argument, thereupon assailed Mr. Brown with personal vituperation...."
96. GLOBE, 14 October 1852, made the following comment on the division: "The intelligent reader will not fail to mark the systematic absence, from divisions like this, of such names as Rolph, Cameron, Hartman, &c., &c."
97. The name "Malloch" was erroneously printed in the Journals under the Nays. The following papers reported that it was Mr. Mattice, along with Messrs. Brown and Mackenzie, who voted against the motion: GLOBE, 9, 14, 16 October 1852, BRITISH WHIG, 9 October 1852, MORNING CHRONICLE, 9 October 1852, HAMILTON SPECTATOR DAILY, 9 October 1852, QUEBEC GAZETTE, 11 October 1852, BRITISH COLONIST, 12, 15 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, NORTH AMERICAN SEMI-WEEKLY, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14, 21 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852.
98. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 9 October 1852, QUEBEC GAZETTE, 11 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, BRITISH COLONIST, 15 October 1852, NORTH AMERICAN SEMI-WEEKLY, 15 October 1852, and NORTH AMERICAN WEEKLY, 21 October 1852. The debate was also reported by GLOBE, 16 October 1852. The following papers noted the debate in identical accounts: BRITISH WHIG, 9 October 1852, GLOBE, 9 October 1852, HAMILTON SPECTATOR DAILY, 9 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852. The debate was also noted by GLOBE, 14 October 1852.
99. GLOBE, 16 October 1852.
100. IBID.
101. MORNING CHRONICLE, 9 October 1852.
102. GLOBE, 16 October 1852.
103. MORNING CHRONICLE, 9 October 1852.
104. GLOBE, 16 October 1852.
105. MORNING CHRONICLE, 9 October 1852.
106. GLOBE, 16 October 1852.
107. MORNING CHRONICLE, 9 October 1852.
108. GLOBE, 16 October 1852.
109. MORNING CHRONICLE, 9 October 1852.
110. GLOBE, 16 October 1852.
111. MORNING CHRONICLE, 9 October 1852.
112. GLOBE, 16 October 1852.
113. MORNING CHRONICLE, 9 October 1852.
114. IBID.

115. IBID.
116. GLOBE, 16 October 1852.
117. MORNING CHRONICLE, 9 October 1852.
118. GLOBE, 16 October 1852.
119. MORNING CHRONICLE, 9 October 1852.
120. GLOBE, 16 October 1852.
121. MORNING CHRONICLE, 9 October 1852.
122. GLOBE, 16 October 1852.
123. IBID., 14 October 1852.
124. IBID., 16 October 1852.
125. HAMILTON SPECTATOR DAILY, 9 October 1852.
126. The following papers reported the debate on this rejected motion in identical accounts: MORNING CHRONICLE, 9 October 1852, QUEBEC GAZETTE, 11 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, BRITISH COLONIST, 15 October 1852, and GLOBE, 16 October 1852.
127. MORNING CHRONICLE, 9 October 1852.
128. IBID.
129. IBID.
130. IBID.
131. IBID.
132. IBID.
133. IBID.
134. IBID.
135. IBID.

FRIDAY, 8 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Badgley,--The Petition of the Reverend D. Fraser, Minister, and others, the Congregation of the Free Church, Coté Street, Montreal; and the Petition of William Allen and others, Cabinet Makers and Chair Manufacturers, of the City of Montreal.

By Mr. Stevenson,--The Petition of P. Low, Esquire, and others, of the Town of Picton.

By Mr. Mongenais,--The Petition of G. Beaudet and others, Censitaires, of the Parish of Côteau du Lac, County of Vaudreuil.

By the Honorable Mr. Attorney General Richards,--The Petition of W.S. Macdonald and others, of the Town of Gananoque and its vicinity.

Pursuant to the Order of the day, the following Petitions were read:--

Of William Kingsmill, Esquire, Sheriff of the United Counties of Lincoln and Welland; representing that in consequence of the discharge of his duty in the said capacity, he was arrested in the City of Buffalo, and a Judgment obtained against him in the State of New York, for a certain amount, and that upon the said Foreign Judgment an action was brought, and Judgment rendered against him by the Courts of Queen's Bench and Error and Appeal in Canada, under a recent Statute not providing exception in such cases, and that he is thereby in danger of being ruined on account of the faithful discharge of his said duty,--and praying relief in the premises.

Of Messieurs Greene and Sons, and others, Hatters and Furriers of the City of Montreal; praying for the imposition of a certain Duty upon hats and furs of Foreign manufacture.

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Of William H. Rice, of the City of Montreal, Wireworker; praying for a reduction of the Duty upon wires of all sizes, and the imposition of a certain Duty upon all articles manufactured of wire imported into this Province.

Of the Honorable R.U. Harwood and others; praying that the Bill to incorporate the Grand Trunk Railway Company of Canada may be amended, by the insertion of a Clause providing that the Public shall have the right of way, on paying a maximum rate of Toll therefor, over the Bridges to be constructed by the said Company between the Island of Montreal and Upper Canada.

Of the Town Council of the Town of London; praying for the passing of an Act to confirm a certain By-Law of the said Council for closing up a certain part of Wellington Street in the said Town, and establishing a Market thereon.

Of the Municipality of the Township of Pelham; praying for a further reduction in the rates of Postage, and that any deficiency in the Post Office Department may be paid out of the General Funds of the Province.

Ordered, That the Petition of William Laurie and others, of the Township of West Gwillimbury; the Petition of Francis Kirkpatrick and others, of the County of Stormont; the Petition of Horace Hutchins and others, of the County of Grenville; the Petition of Henry Conklin and others, of the County of Grenville; and the Petition of L.H. Bellamy and others, of the Township of Augusta, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of the Municipal Council of the County of Simcoe; the Petition of the Municipality of the United Townships of Tiny and Tay; the Petition of the Municipality of the Township of Medonte; and the Petition of the Council of the Corporation of the Village of St. John, be referred to the Standing Committee

on Railroads, Canals, and Telegraph Lines.

Mr. Dubord, from the Select Committee appointed to inquire into and report on the expediency of encouraging Shipbuilding in this Province, and the most advisable mode of protecting the Shipping interest therein, and to which were referred several Petitions praying for the repeal of the Act for regulating the shipping of Seamen at the Port of Quebec, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have taken the subject contained in the several Petitions before them into their serious consideration, and have had before them persons intimately connected with the Shipping interests, as well Ship Owners, Masters, and Merchants, extensively connected with those interests in Trade.

While Your Committee have given the subject their serious attention, they were nevertheless disposed to hear any arguments which could be adduced against the prayer of the several Petitions, but so far as they have yet been able to discover, nothing has been said, nor has any satisfactory evidence been adduced to contradict the facts alleged by the Petitioners.

When Your Committee find that the great Commercial interests of the Country in general, and of the City of Quebec in particular, are most seriously prejudiced by the existence of the Shipping Master's Office at this Port, they consider that they are imperatively called upon to recommend to the serious consideration of Your Honorable House, the absolute repeal of the Act establishing the Office before mentioned.

Ordered, That the Select Committee on the Huron Election Petition have leave to adjourn until Friday the 15th instant, at eleven o'clock, A.M., on account of the urgent private business of one of its Members, with power, nevertheless, to meet

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upon an earlier day, at the call of its Chairman, upon due Notice being given to the parties concerned in the said Election.

On motion of Mr. Lemieux, seconded by Mr. Short,

Ordered, That the Select Committee on the Kamouraska Election Petition have leave to adjourn till Wednesday next the 13th instant, at eleven o'clock, A.M., on account of the Parties having been allowed till that date to produce and file their Lists of Objections to the Voters at the said Election: and that the next and subsequent Meetings of the said Committee be held in Committee Room No. 4, of the House.

On motion of the Honorable Mr. Attorney General Richards, seconded by the Honorable Mr. Cameron,

Resolved, That this House will, on Monday next resolve itself into a Committee to consider of fixing a Tariff of Fees to be paid by Suitors on certain proceedings in County Courts in Upper Canada.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 30th September, 1852, for a detailed Statement of the several sums applied to the erection of Light Houses and the establishment and support of Relief Stations and other improvements in the navigation of the Gulf and River St. Lawrence, from Quebec to the Ocean, under the superintendence of the Trinity House of Quebec, and under the authority, orders and direction of the Governor and Council of this Province, out of the sum of £19,000 appropriated under the provisions of the 9 Vic. cap. 60, and shewing the balance, if any, remaining to be applied for such purposes.

For the said Return, see Appendix (M.M.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 27th September, 1852, for a Return or Statement of all the Claims to Lands in the District of Gaspé under the Act (1847) 10 & 11 Vic. cap. 30, which to the present date remain unadjusted, and for which Patents have not been ordered; the names of the respective Claimants, the Townships or places wherein the Lands claimed are situate, the superficial contents in acres of each Lot claimed, the dates when the several claims were presented to the Executive, or the Agent appointed by it for the purpose, together with any information on the subject which it may be deemed necessary to communicate to the House.

For the said Return, see Appendix (N.N.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 27th September, 1852, for a Return of the quantity of all Red Pine Lumber measured under or by the authority of the Supervisor of Cullers of the Port of Quebec, during the years 1850, 1851 and 1852, and a Statement shewing for and on whose account and by whom the same was measured; and also, to so much of the Address from the Assembly, dated on the same day, as prays for a Return of the number of pieces of Red Pine or other Timber from the Ottawa or other parts of the Province, which has been measured through the Supervisor of Cullers' Office at Quebec, for the years 1845 to 1852, inclusive.

For the said Return, see Appendix (O.O.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 20th September, 1852, for all the Documents relating to the Inquiry holden at Lotbinière by William K. McCord, Esquire, Superintendent of Police at Quebec, relating to the abstraction and loss of certain articles of furniture, &c., belonging to the Parish Church of Lotbinière.

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For the said Return, see Appendix (P.P.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 30th September, 1852, for a Return of all Lands alienated from the Crown without valuable consideration, since 1st January, 1851, shewing the quantity and locality of each such grant, the names of the parties to whom made, and the object for which it was so made.

For the said Return, see Appendix (Q.Q.)

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to extend the provisions for the eighteenth Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. LaTerrière, from the Standing Committee on Standing Orders, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of A. Bazin, Esquire, and others, for an Act of incorporation to enable them the better to manage the Common of St. François, and find that Notice was given at the Church door of the Parish, in compliance with the Rule, but the Newspaper Notice was published in the Canada Gazette, instead of a local paper. It has been represented to Your Committee, however, that the Three Rivers Gazette (which is the only Newspaper published in the District) has little or no circulation in the Parish in which the said Common is situate, and they would therefore beg leave to recommend that the Notice be considered sufficient.

On the Petition of Alexander Wilson and others, for a survey of the sixth and seventh Concessions of Onslow, Your Committee find that no Notice has been given.

The Petition of the Corporation of Bishop's College at Lennoxville, for amendment to their Act of incorporation, is not of a nature to require the publication of Notice.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council acquaint this House that His Excellency the Governor General has appointed this day, at four o'clock in the afternoon, to be attended with the Addresses of both Houses on the subject of the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America; and that they have ordered that the Honorable Mr. Receiver General Taché and the Honorable Mr. Post Master General Morris do attend His Excellency the Governor General on the part of their House at that time: And also,

The Legislative Council acquaint this House that His Excellency the Governor General has appointed this day, at four o'clock in the afternoon, to be attended with the Addresses of both Houses on the subject of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America; and that they have ordered that the Honorable Mr. Receiver General Taché and the Honorable Mr. Post Master General Morris do attend His Excellency the Governor General on the part of their House at that time.

And then he withdrew.

Ordered, That the Honorable Mr. Hincks, the Honorable Mr. Morin, the Honorable

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Mr. Cameron, and the Honorable Mr. Chabot, do attend His Excellency the Governor General on the part of this House, this day at four o'clock in the afternoon, with the Addresses of both Houses relative to the Fisheries, and to the distribution of Medals to certain Militiamen.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council acquaint this House that they have appointed the Honorable Mr. Fergusson in the place of the Honorable Mr. Boulton, to act on the part of their House upon the Joint Committee on the Library.

And then he withdrew.

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill for reforming the Municipal System of Lower Canada, and for establishing County, Parish or Township, and Village Municipalities therein.¹

MR. AT. GEN. DRUMMOND introduced a Bill for reforming the Municipal system of Lower Canada, and for establishing County, Parish or Township, and Village Municipalities, which was read a first time; the leading features of which, he said, were similar to those contained in the Bill which was introduced last session, and which proposes to alter the municipal organization in an important particular,--the first municipal system having been founded on the division of that section of the Province into large districts, which had been found inconvenient and repugnant to the wishes of the people. It was intended to substitute for this, not only parish and township organization, but a superintending county organization. That part of the Bill, he said, which was introduced by Mr. LaFontaine, was that which authorised the appointment by the Government, of a Superintendent of Roads: and which was especially as popular in those districts, where the municipal organization had worked with some effect.--To meet this difficulty, by the present Bill, it is not proposed that the Government should make the appointment, but that it shall be left to those municipalities that will act. He was desirous, he said, of seeing municipal institutions carried out in Lower Canada, and as a striking feature of

its population is to initiate what is good, he was satisfied that when these were found to work well in some localities, that others would follow.² The design was to adopt the system now prevalent in Upper Canada, as nearly as the different circumstances would allow....[He added] that he approved of Mr. Terrill's resolutions in the main; but thought it impossible to carry them out in all respects.³

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the twenty-second instant.

*Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to amend and consolidate the Road Laws of Lower Canada.*⁴

MR. AT. GEN. DRUMMOND [explained that] at the same time, it is necessary that some general provision should be made for roads: and in order that these should not be permitted to remain anywhere in a state of neglect, the Bill will provide that, where nothing has been done by the inhabitants to carry out the law, and to improve the roads, an officer would be appointed to carry it out. He went on to make some further remarks, with reference to assessment; but as the Bill was not yet fully prepared, he said, he should defer entering into any statement with reference to details.⁵

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday the twenty-second instant.

A Bill to amend the several Acts incorporating the Company of Proprietors of the Champlain and St. Lawrence Railroad, and for other purposes, was, according to Order, read the third time.

The Honorable Mr. Badgley moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the Bill do pass, and the Title be, "An Act to amend the several Acts incorporating the Company of Proprietors of the Champlain and Saint Lawrence Railroad, and for other purposes;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPE, Clapham, Dixon, Attorney General Drummond, Dubord, Dumoulin, Fergusson, Fortier, Gouin, Hartman, Johnson, Lacoste, LaTerrière, LeBoutillier, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Malloch, Mattice, McDougall, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Polette, Ridout, Attorney General Richards, Robinson, Sanborn, Shaw, Smith of FRONTENAC, Stevenson, Stuart, Terrill, Turcotte, Willson, Wright of East Riding of YORK, and Young.--(46.)

NAYS.

Messieurs Cauchon, Chapais, Fournier, Mackenzie, Marchildon, Poulin, Taché, Tessier, and Viger.--(9.)

So it was resolved in the Affirmative.

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Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

*The Order of the day for the second reading of the Bill to confer Equity Jurisdiction upon the County Courts in Upper Canada, and for other purposes therein mentioned, being read;*⁶

The bill introduced by Mr. Richards, to confer equity jurisdiction upon the several County Courts in Upper Canada, was then read a second time, and committed for Tuesday next.⁷

MR. H. SMITH of Frontenac, approved⁸ fully ... of the principle of the bill⁹, but wished the Attorney General had extended it to other cases¹⁰ so as to give the County Courts jurisdiction in equity to a higher sum¹¹, as at present the expenses incurred in procuring a mortgage, are almost as much as the debt itself. These expenses, he said, had been reduced, yet it was a serious cause of complaint having to send to Toronto. He wished the amount over which County Courts exercised jurisdiction, should be increased; and he did not see why they should not grant relief in equity to the same extent which they are permitted to do in law. He thought the better course for the Attorney General to pursue, would be to order the Bill to a Special Committee. He also regretted that equity jurisdiction should not be extended to the Superior Courts, and did not see why all should not go together; particularly as the Judges in the lower Courts have loss [sic] equity knowledge, and have so much to do, that in some cases assistant judges have had to be appointed.¹² The effect of this and another bill introduced by the hon. member was to diminish the business of the Chancery Court. Now would those judges have enough to do? They were certainly well paid.¹³

MR. MACKENZIE contended that the Court of Chancery should be abolished at once, and the equitable jurisdiction transferred to the common Law Courts.¹⁴

MR. H. SMITH [continued:] He had understood the Attorney General to say, when he introduced the Bill, that it was intended in part as an experiment; and if it were found to answer, that then at the next session, it would be taken up on a larger scale.¹⁵

MR. AT. GEN. RICHARDS replied that such was his object; but he was afraid the suggestions of the member for Frontenac would interfere with the working of the bill.¹⁶

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the Montreal and New York Railroad Company to extend their Railroad, and to acquire the land necessary for such extension, and for other purposes relative to the said Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Egan reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Egan reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The Order of the day for the second reading of the Bill to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to provide for the appointment of Justices of the Peace for the more remote parts of this Province," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and the Honorable Mr. LaTerrière reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

The Honorable Mr. LaTerrière reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The Honorable Mr. Hincks reported to the House, That His Excellency the Governor General had been attended with the Joint Addresses of both Houses respecting the Addresses to Her Majesty on the subject of the Despatch of the Right Honorable Sir John S. Pakington to His Excellency the Governor General, on the protection of the rights of British Fishermen in the Fisheries on the Coasts of British North America,-- and of the distribution of Medals to the survivors of the Canadian Militia who distinguished themselves during the last War with the United States of America; and that His Excellency had been pleased to say, that he would transmit the said Addresses to Her Majesty, to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

The Order of the day for the second reading of the Bill to amend the Registry Laws of Upper Canada, being read;¹⁷

The second reading of the bill to amend the Registry Law of Upper Canada was moved by MR. AT. GEN. RICHARDS.¹⁸ [He] said he felt it necessary to mention to the House, the principles upon which the bill was based.¹⁹ He explained that the chief object of the bill was to adapt the system of registration to the new divisions of the counties.²⁰ Formerly, in Upper Canada, one or two counties were called registering districts, where all the lands in each district were registered in one book, and arranged alphabetically. In 1845 a bill was passed which changed this practice, and rendered it necessary to have separate books for each county and township. By the Act of last session, several changes were made, and one of the provisions of the bill is, that, the registry shall be in the county where the land lies. By the Act of 1846, the Secretary of the Province is required to certify that such book contains a certain number of pages. The present bill authorises the County Council to furnish the book and the County Judge is authorised to grant the usual certificate.²¹ And their object was to reduce fees. Last session a bill was passed through that House to reduce the fees²² for registering²³, but was lost in the Legislative Council probably because the reduction was thought too low.²⁴ They would not be so much reduced by the present bill, and he should be happy to receive any suggestions upon the subject, as he was satisfied the Legislature were disposed to yield a fair remuneration for the labour that attaches to an office.²⁵ This bill was also intended to prevent the abuse which had prevailed of compelling persons to register memorials several times over.²⁶

MR. J. SMITH after some observations relative to the repetition of registrations, said he had great reason to complain of a practice that prevailed extensively, which was this--that registrars took upon themselves the business of conveyancing, and by their unskilful proceedings often did a great deal of mischief. Now would it be too much to print in this bill a prohibition against deeds being drawn by conveyancers, who were not professional men. He would like to pay them fees enough to remunerate them fully.²⁷

MR. J.A. MACDONALD also spoke in favour of preventing registrars from drawing deeds; and at the same time desired to give these officers ample fees, as their office was most important, and as it mattered very little to a man who was buying property whether he paid a few shillings more or less for registration. It was of far more consequence to get their business perfectly well done.²⁸

MR. ROBINSON desired delay in order that the Registrars might be enabled to express their opinions upon the bill.²⁹

MR. MACKENZIE expressed his opinion that delay was unnecessary [sic], inasmuch as the principle of the bill had been before the House ever since the preceding year.³⁰ The bill was defeated last year, by a body which does nothing, and which is about to petition for its own dissolution. He expressed himself thankful to the Attorney General for bringing in the present bill. The Registrars, he said, were a very kind people, and who generally are well selected.³¹ He thought it a great hardship that the poor people should be charged exorbitant fees, and objected to the proposition that no one should be allowed to draw deeds but lawyers.³² While on this subject, he would say, that he approved of making deeds more simple; and if gentlemen who are qualified would put their heads together for that purpose, it would not require professional men to draw up such an instrument. He agreed, however, that where large property is at stake, parties had better go to a lawyer.³³

MR. J. SMITH (Durham) agreed that delay was unnecessary.³⁴ [He] said, the fate of the bill of last year had been a subject of surprise to himself as well as others; but a member of the other House filled the office of Registrar, and it was through his means that it was defeated.³⁵

MR. RIDOUT however desired delay, inasmuch as the Registrar[s] of the Counties of Ontario and Peel would be greatly affected by it and ought to be heard³⁶, [and he] stated ... the Registrar of Toronto would be more affected than any other by the third section of the bill, [and] he should like to know if any consideration would be awarded for the loss he might sustain. He was not aware of any complaint having been made of the manner in which that officer had fulfilled the duties of his situation.³⁷

MR. INSP. GEN. HINCKS replied that the case which had just been referred to³⁸ was precisely one of those which caused the complaints³⁹ that were made. The gentleman to whom reference was made, derives more from the emoluments of his office, than double what is received by the Judges and Executive councillors. This state of things, he said, had arisen from the circumstance, that the large metropolitan county of York was divided into ridings; and consequently, the Registrar had an immense extent of country under his control. If the fees of the Registrar are reduced, the duties will be reduced in proportion, and he would get just as much for the services he may perform, as he did before. He believed the bill would be received with great satisfaction; and he felt assured that the scale proposed by the Attorney General, is as much as the country will be willing to sustain. He regretted the allusion that had been made to the bill of last session; and⁴⁰ the observations which had been made about the Upper House. No doubt influences would be brought to bear on that branch of the Legislature as there always were in cases of personal interests; but it must be remembered that that House was also subject to influences⁴¹. When that bill was formerly under consideration⁴² last year ... [and] passed⁴³, there was a⁴⁴ great⁴⁵ cry got up⁴⁶ for retrenchment⁴⁷, it being the eve of a general election. This was not confined to one side of the House; and gentlemen who were then so desirous of retrenchment, do not appear to entertain at present any anxiety on the subject. Efforts were then made to reduce salaries, for the purpose of putting the Government in a false position; and he would refer to one particular subject to which his remark would apply,--he meant the Post Office department. Now, it is well known that there are gentlemen fulfilling responsible duties in the Post Office, whose salaries the Government put down at the maximum rate of £500, with the exception of the Postmaster General. And taking into consideration the rates of the United States, which are not considered in that country as affording too large a remuneration, and where clerks in the Post Office are getting more than our postmasters, he did not think the salary recommended by the Government would be thought extravagant. But economy was the order of the day on the other side of the House, and when the proposition was brought forward, he saw the game they were playing; and as the

parties were all their friends, and if they were so desirous of reducing the salaries of the postmasters, his colleagues and himself put the salaries down at what they wanted. Now, he believed the member for Montreal would not say the Postmaster was remunerated for the performance of the duties which devolved on him. Now, although there was a Registrar in the other branch of the Legislature, yet there were men of independent fortune, and who might have thought that it was not the time just before an election to do justice to these officers, and therefore did not concur in the measure.⁴⁸ The Upper House, therefore, probably exercised a very sound judgment in refusing to pass the bill the first time it came before them.⁴⁹ He thought it right to make these observations, as it was scarcely fair to ascribe motives to members of the House who act conscientiously. With reference to the Registrar of the County of York, he was convinced that the proposed plan would give a good deal of satisfaction.⁵⁰

MR. BOULTON was surprised at the admission made by the Inspector General with reference to the course pursued by the Government last year, and who said the same feeling as to the reduction of salaries, as was then manifested, is not apparent at present. He could only say for himself, that he still entertained the same views. When his (Mr. B.'s) colleagues moved £400 as the salary of the postmasters in certain cases, the Government ought not to have yielded, if they deemed the sum too small. The postmaster, he thought, ought to have retained the perquisite on the pigeon-holes, and when the sum came up to £500, that he should not receive the surplus.⁵¹

MR. INSP. GEN. HINCKS explained, that it not being a subject on which the existence of the Government depended, they felt bound to yield to the sense of the House.⁵²

MR. BOULTON then adverted to what had taken place last night. He had made a statement last night in reference to the hon. member for Huron.⁵³

The hon. member was here stopped by MR. J.S. MACDONALD the SPEAKER, who said such an explanation was quite out of order.⁵⁴

Some irrelevant discussion here took place as to the salaries of the Post Office clerks, arising from an incidental remark of Mr. Hincks.⁵⁵

MR. STREET gave his approbation to the bill; thinking that the fees of the registrars ought to be revised in consequence of the fitting up of the country, and the reduction in the length of the deeds and memorials to be registered.⁵⁶

In reply to a question of Mr. Brown, MR. AT. GEN. RICHARDS went over the fees and emoluments of the several registrars to show that he had proceeded upon facts in fixing the fees.⁵⁷

MR. BROWN thought it would be well to limit the emoluments to be received by any registrar, and if the fees exceeded that to give the balance to those, whose emoluments were too low. If registrars attend to their business, as they ought to do, their labour was nearly alike.⁵⁸

The bill was then read a second time.⁵⁹

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Tuesday next.

MR. BOULTON then rose to move that the House when adjourned be adjourned to three on Monday. He took the opportunity of explaining whad [sic] had taken place last night. He had said last night that the Hon. Member for Huron had promised his county to make certain roads. That statement was met by a flat denial. He had since been examining the fyles of paper in the House, & extraordinary to relate, the

Huron Signal which contained all that had taken place could no where be found. However, he had found a copy of the Hastings Chronicle, copying from the Huron Signal a speech from the Hon. Mr. Cameron to his constituents, in which he promised to urge upon his colleagues the construction of several roads among the rest, of one from Sarnia to Goderich, to Saugeen, to balance the expenditure for wharves in Lower Canada; he also [promised] to keep up the prices of Crown Lands at the present prices and to spend a part of their receipts in opening roads. If he had [been] mistaken in thinking he had seen the statement under the hon. member's hand, he was sorry for it; but he knew he had seen the statement in such a way as made clear it came from the hon. member.⁶⁰

MR. PRES. EX. COUN. CAMERON wished to make some explanation; but was called to order by several members.⁶¹

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*The House, according to Order, resolved itself into a Committee to take into consideration certain Resolutions on the subject of the Constitution of the Legislative Council of this Province;*⁶²

The House then went into Committee on the construction of the Legislative Council; and MR. PROV. SEC. MORIN moved the first resolution, of which he had previously given notice, on the subject, with only two or three observations by way of introduction.⁶³

MR. INSP. GEN. HINCKS said that his hon. friend, the Provincial Secretary, had explained at the time that he first moved the House into Committee on the subject, the proposition that the Government had thought fit to submit to the House, as to the mode that they deemed it most desirable to adopt in reconstituting the Legislative Council. He should not, then, occupy much of the time of the Committee on the present occasion. The resolutions speak for themselves; but there were some points on which he desired to say a few words. He believed that there was a very general opinion in both sections of the Province, that some alteration in the constitution of the Legislative Council is necessary. Then, he believed that another opinion was entertained by many, that there should not be a second elective branch of the Legislature; and that if there were any change, the Legislature should be restricted to one body. He confessed that he did not share in that opinion. It is thought by many that the present system of Government would not work well with a second elective branch; that if there were a second House elected by a different constituency, and elected in a different manner from that adopted with reference to the House of Assembly, they would not harmonize, a dead lock would ensue, and the Government could not be carried on; but the plan proposed by the Government has been successfully tried in various places—he need only mention one, Belgium, where the system of government, as it exists in England, exists in all its essential features, but where the two chambers are elective. It is one of the distinguishing characteristics of all the legislatures on this continent, that there are two chambers; and in spite of all that, we hear of hasty legislation, and the inutility of the second body as a check, still, he thought that the acts of any legislature must acquire a very large amount of public confidence, if they obtained the prestige of having passed through two deliberative bodies, and more particularly, if the second was a body entitled to much weight. He was of opinion, then, that it is expedient to have two chambers; but then comes the difficult question, and he admitted that it was a very difficult one to solve, as to the manner in which the Council should be constituted. If there were to be two branches, he thought it was desirable that they should not both be elected by precisely the same class of electors⁶⁴, and in the same way as the other House.⁶⁵ He thought some means should be adopted to give greater weight to one body than to the other. Of course, he had seen the comments made by the press generally on

the resolution introduced by his hon. friend; and he was ready to admit that so far as the first expression of opinion was concerned, they did not meet with that approbation which he should desire. He admitted that frankly; but, in this particular instance, he was not prepared to admit the correctness of the opinions expressed by the Press. He spoke more especially of their remarks with reference to the class of persons whom it is proposed to render eligible to a seat in the Upper House. The question has been raised as to the qualification; and it has been said that if there is any qualification at all, it should be a property qualification. Now, the government had become satisfied, after maturely considering the subject that a property qualification would be of no use at all, that it would not contribute to the weight and character of the Council.⁶⁶ He and his friends were of opinion that a money qualification was not, in this country, at all calculated to give respectability in the eyes of the people.⁶⁷ The object of the Government was to give that House a sort of prestige, which would induce the people at large to look up to it with respect, and if they were correct in the opinion that a property qualification is unnecessary, then he thought that they might attain that object by limiting the election to a class of persons who have already enjoyed the public confidence.⁶⁸ [They] would allow none to enter it who had not filled distinguished offices before.⁶⁹ A great deal of ridicule is attached to this proposition because, it is said, that the government have chosen all the old, worn out, and useless men in the country as fit and proper persons to be councillors. He would ask whether the gentlemen now holding seats in the House of Assembly are old and worn out? The fact is, that it happens that the persons who have made those remarks, constitute a class which will be excluded, and it is perfectly natural that these persons should dislike a proposition which shuts them out. Is it astonishing that under such circumstances, the gentlemen of the Press should cry out against the resolutions? But he would ask honourable gentlemen to reflect on the proposition, and ask themselves whether any constituency would not be able to find highly eligible representatives under this proposition of the government. If they looked round they would find in both sections of the Province persons of all shades of political and religious opinion, who would do credit to their choice. Then take a case: for, after all, that is the true mode of testing the merits of a question. A paper was put into his hands, a day or two since, showing the number of persons who would be eligible in Toronto, and they certainly formed a very large class. Then, he asked, who were the persons that were not eligible? and he was clearly of opinion that the person who had never been in public life, who had not tried, or who had been unable to obtain confidence, could scarcely complain of being excluded. If such a person wished to get into the Council, his course is clear: let him obtain a sufficient amount of public confidence to procure a seat in the House of Assembly, and then he could pass into the other House. The object of the Government was to render a seat in the Council an object of emulsion to members of the Assembly,—to render it a superior body,—and to place it in a position similar to that which the Senate of the United States holds with reference to the House of Representatives. That object, he thought, would be attained by the ministerial project, if it were carried into effect: and further, it would be open to every man in the country, supposing that the property qualification were entirely removed, provided that he could secure the public confidence so far as to obtain a seat in the House of Assembly. It is asserted that this proposition is entirely new; and it is ridiculed and laughed at, as if no one ever heard anything like it before. But if hon. gentlemen would look at the United States, and especially to Massachusetts, from which the member for Toronto (Mr. Boulton) derived most of his ideas of improvement, they would find that this principle is fully recognized there; they would find that in some of the most important cities, and especially in the city of Boston, the members of the Board of Aldermen must have been first members of the Common Council. That is exactly

the principle which the Government propose to adopt; but in addition to ex-members of the Assembly, they propose to render eligible certain persons who have enjoyed the confidence of their countrymen, and who have, in consequence, been elevated to high situations. They suppose that these classes will become more numerous year after year; and it should be recollected that very considerable weight attaches to their position. They are first elected by the rate-payers to the Town Council; they are then elected by the Town Council to fill the office of reeve; on obtaining that office they are ex officio members of the County Council; by the County Council they are elected to the responsible position of Warden. So that they undergo a triple election; and he would say that he was proud of the working of Municipal Councils in Upper Canada, when he saw such men as the members for North and South York, for Peterborough, for Wentworth, and for Welland, taken up and approved of by their countrymen, for the proof is before the House, that they are among the most useful members in discharging their duties. There is a class of persons who would be eligible to the Legislative Council, and he believed that they would give a character, a weight to that body, such as could not be attained in any other way. He believed that gentlemen like the member for Lincoln, who had been a great many years in the House, and who possessed great parliamentary experience, would confer great weight on the body; and that the union of these two classes would inspire public confidence. As to the pretence that there was any attempt at exclusion, it was perfectly absurd when one came to reflect on it. He would refer to a particular case. There is a paper, published in Montreal, which generally supports the Government--he did not desire to make any personal allusions, but every person in the House knew the gentleman who edited that paper, a gentleman of ability, and for who he had a very high respect--well, that gentleman is one of those who denounce this proposition. He is ambitious to be in public life, and looking at these resolutions, and finding that he is excluded from the Legislative Council, he very naturally shrinks back. He has tried to obtain a seat in Parliament, and could not succeed.⁷⁰

MR. BOULTON.--Then how is he to get into the Council?⁷¹

MR. INSP. GEN. HINCKS.--The hon. gentlemen [sic] asked how he was to get into the Council.⁷²

MR. BROWN called the hon. gentleman to order. He did not think it fair to make any allusion to the motives of a gentleman who was not present to defend himself. It was especially unjust, as the Inspector General could not say whether the person to whom he alluded had written the article condemnatory of the resolutions.⁷³

MR. INSP. GEN. HINCKS believed that he was in order; and he would tell the member for Kent that there was no one in the House more indisposed to wound the feelings of that gentleman than himself. He was quite free to admit that he would be a very useful member of the House; and he was also free to admit that he was a gentleman of much talent; but he wished merely to make an application of this individual case. He had said that that gentleman was ambitious of public life; that he desired to obtain a seat in Parliament; and he had given proof of it by addressing a very important constituency. Well, if he desired to get into the Council, he could do so by getting the confidence of the people by obtaining a seat in the Assembly. There is no exclusion, then, under these resolutions; but if a large property qualification were imposed, it would establish a principle of exclusion. If the House thought it desirable to give the Council that weight which it should have in the country, then they would find it necessary to fix upon some rule; and if they decided that the Councillors should, previous to election, show that they had enjoyed public confidence, then a proof of merit would be given. He conceived, then, that this would be a far better means of accomplishing the object

in view, than to say that there should be a property qualification. He knew of no other system that could be adopted with equal hopes of success, but, at the same time, he wished it to be understood that neither he nor any member of the Government, was particularly wedded to this scheme, and that they would very gladly see a better [scheme] proposed. Then, he came to another question: the length of time for which the members of the Council were to be elected. He had observed that a series of resolutions were proposed by Mr. Poulin, in which it was suggested that six years should be the term; whilst the principle of withdrawing one-third by rotation was retained. Now, he held that that was a mere matter of detail, on which there may be differences of opinion; and he was not prepared to say that six years would not be a sufficiently long term. He did not believe that there was any disposition on the part of the Government to press the term of nine years; but he was bound to say that he did not think the shortening of the duration of Parliaments generally was well adapted to the institutions of this country. It may be very well under the system of government that they have in the adjoining States; and, here, he would remark, that he was not one of those who depreciate the institutions of our neighbours. He was satisfied that they have a system of government which is very well adapted to their political condition; but while the institutions of the two countries are so dissimilar, it is impossible to think of successfully introducing the republican forms of the United States into Canada. Under the system of government we now have, no one can suppose that annual Parliaments would answer, for such frequent changes of policy must necessarily follow, that no administration could work. He did not conceive that the point upon which the hon. gentleman had founded his amendment, was an essential point; but he did say that the other question effected by the amendments of the hon. gentleman, was most essential in his opinion--so essential that he could not see how any person could have a reasonable expectation of the government working harmoniously, if the Council is rendered elective, without the power of dissolution being vested in the Crown. He was satisfied that both Houses should be liable to dissolution, and that the Council constituted in the manner proposed by the government, would exercise such influence that no minister of the Crown would dare to advise its dissolution, except under circumstances where it would be criminal not to do so. Circumstances may arise when no minister with a proper sense of his responsibility could avoid recommending the dissolution of one or the other House, when both were elective. In fact, hon. gentlemen must recollect that even in our own day, there was a very remarkable crisis in the history of our country, when there was very nearly a collision between the two Houses of the Imperial Parliament, with the prospect of a revolution attended by the most fatal consequences; and with that object in view, it must be apparent, that there is a necessity for avoiding that dead lock which would be fatal to the peace of society. In order that his views might be fully understood, he would say that he was far from thinking it absolutely necessary that a measure introduced by the Government should be carried through both houses; and he did not think that any ministry would dare to advise a dissolution solely because a measure which the Government wished to carry, was rejected by one branch of the legislature. (Hear, hear.) He had too high an opinion of the people of this country, and of any Ministry which might enjoy the confidence of the Commons of Canada, to suppose that such a step would be resorted to, except under circumstances which would justify a dissolution. Of course, under the existing form of government, certain members of the Ministry must hold seats in the Legislative Council, and in case of a dissolution, they would be equally liable with the other members to go back to their constituents; and if the constituency returned the same house--a house opposed to the principles of the Government--it would be perfectly clear that that Government could not stand. He had thus gone over the principal points which he thought necessary to refer to. One of the points which the member for Rouville had taken up in his amendments--the power of dissolution, was in his opinion, just as necessary when applied to the

Council as when applied to the Legislative Assembly; the other is a mere point of detail, which he did not think required discussion at any great length before the adoption of the principle. On the question of property qualification, he was desirous of obtaining the views of the Committee. Of course, the first thing would be the adoption of the principle that a change was necessary. If it were decided that a change is desirable, it would then be but fair to hear what schemes hon. gentlemen would have to propose--the great object of increasing the weight of the Council in public estimation being constantly held in view.⁷⁴

MR. H. SMITH of Frontenac had listened with great attention to the observations of the Inspector General, and had listened to them with surprise; for he should have thought that on a question of so much importance, the hon. gentleman would have spoken at greater length, and would have given to the House and the country satisfactory reasons for proposing a change in the constitution. It would be recollected that from the union of the Provinces until within the last few years, no complaints were made of the Legislative Council. That body worked harmoniously with the House of Assembly up to 1849, and enjoyed the confidence and respect of the country; and he must attribute the loss of that popularity to the fact that the Government, in 1849, made additions to that body of such a nature as totally disgusted the country. It was subsequent to the introduction of the Rebellion Losses bill and the Representation bill, that complaints commenced to be heard. The⁷⁵ injudicious⁷⁶ action of the Government of that day sunk the Legislative Council completely in public estimation, and⁷⁷ he acknowledged that now, a change was necessary. But⁷⁸ he was not satisfied that the Government of the present day, in attempting to repair the fault of their predecessors, were united upon the scheme which they had submitted to the House, or were prepared to stand or fall by it. He did not understand that the Government came down with a project which they had twelve months to mature, and that they asked the assent of the House to that project; but on the contrary, he understood that they merely asked the House to adopt the first resolution, which affirmed the necessity for a change. That was not Responsible Government in his opinion; for, by Responsible Government, he conceived that the Ministry should be prepared to stand or fall by all their resolutions.⁷⁹

Ministerial cries of no.⁸⁰

MR. INSP. GEN. HINCKS.--Not on all occasions.⁸¹

MR. H. SMITH.--Why the hon. gentleman differed with the member for Verchères, upon a point of detail, and he considered it to be of so much importance that that hon. gentleman could not sit in the cabinet with him, while he now comes down to the House with points of detail, which he is quite willing to leave to the decision of the House.⁸²

MR. INSP. GEN. HINCKS.--The hon. member is altogether wrong. The member for Verchères insisted that the Government should adopt a high property qualification, as the basis on which the Council was to be reconstructed; and as the Government refused to adopt that as a principle, the member for Verchères refused to accept office. The hon. gentleman would substantiate that statement himself.⁸³

MR. H. SMITH could not perceive any actual difference between the statement made by the Inspector General, and that made by himself.⁸⁴

MR. INSP. GEN. HINCKS.--There is a very wide difference.⁸⁵

MR. H. SMITH.--It was not on the question of an elective Legislative Council that the difference occurred between the member for Verchères and the members of the Cabinet. That hon. gentleman agreed with them on that point. It was on a question of detail that the difference of opinion took place; and now it would appear that the Government is not pledged to the details, but merely asks an affirmation of the principle contained in the first resolution.⁸⁶

MR. INSP. GEN. HINCKS.--The member for Verchères was distinctly informed that that was the position assumed by the Government.⁸⁷

MR. H. SMITH held, that when the Government came down with resolutions of so much importance, it should insist on the adoption of the resolutions as a whole. They should not attempt to turn the House into a mere debating society, by coming down with a naked principle, and leaving the House to decide without sufficient reflection or deliberation on the best mode of carrying out that principle. It was evident that the Government had not given this subject sufficient consideration, and⁸⁸ it was evident the government were not wedded to their resolutions⁸⁹. He must say that it was equally evident, that if it intended to stand or fall by the resolutions as printed, it would certainly go down, for he believed there was sufficient independence in the House to reject these resolutions. He was compelled to say, that he believed it was absolutely necessary to remodel the Legislative Council, and that he saw no other means of doing it, but by the introduction of the elective principle; but in making that remark, he wished it to be distinctly understood, that he would not consent to the introduction of that principle, unless he perceived that it would operate as a check on the legislation of the⁹⁰ Lower⁹¹ House. When he was told that the property qualification was to be removed, he would reply that no check would be left on the Assembly. The one House would be a mere reflex of the other. He was not a great advocate of the property qualification as applied to the members of either House; but he would advocate the principle that the members of the Legislative Council should be elected by electors possessing a high property qualification; but from the proposition of the Government, it appeared that the members of both Houses were to be elected by the same class⁹², and ... by the same constituency.⁹³ The whole scheme betrayed want of consideration on the part of the Government: the franchise is to be extended, and there appeared to be some doubt on the minds of the Ministry, as to whether there should be any difference between the electors of the two Houses, or whether there should be none.⁹⁴ He ridiculed the proposition of making membership to the present two Houses, or having been, or being a Warden or Mayor of a county or town, the only qualification for election to the proposed council.⁹⁵ The Mayor of a little borough, a man who might have only occupied that position for one year, would be equally as eligible as a person who may have sat in the House of Assembly for ten years. The working of that part of the scheme would be most unsatisfactory in some Counties, in addition to the objection he had already stated, as there would be but so few persons eligible⁹⁶. To take one example⁹⁷, in the Counties of Lennox and Addington, there would be but two persons eligible, the one the sitting member, and the other, the Warden of the Counties, who has been twice rejected by the people in contesting for a seat in Parliament. It was quite evident, therefore, that if the elective principle were to be introduced, the choice of the electors must not be restricted. The choice of the electors is not restricted when it is necessary to elect a member to the House of Assembly, and surely the vote of a member of one House, is as important as the vote of the member of another, yet the Government, for some reason which he could not discover, have taken it into their heads that the choice of electors should be restricted, in nominating a member of the Legislative Council to ex-members of the House of Assembly, Mayors of cities and towns, and Wardens of counties, and by some strange freak of imagination, they have discovered that the Warden of a county, or the Mayor of a city, a man who may have occupied that position for only a short period enjoys as much of the confidence of the people, as a gentleman who may have occupied a seat in the House of Assembly, for many years. Now, with respect to a property qualification; this question has been much debated in the country, and he believed that many members of the Legislative Council have been, at all times, and are advocates of it; and he believed that it would be much more favourably received by the public than the proposition to take rejected members of the Assembly, and make them eligible to the Council.⁹⁸

MR. INSP. GEN. HINCKS.--Certainly not. Existing members of the House of Assembly.⁹⁹

MR. H. SMITH would loook [sic] at the resolution. The words were, "who may have been members." Why rejected members of course!¹⁰⁰

MR. INSP. GEN. HINCKS wanted to explain. The resolution would render existing as well as ex-members eligible.¹⁰¹

MR. J.A. MACDONALD, of Kingston.--They cannot hold seats in both Houses at once. They must, consequently, be ex-members who will be eligible.¹⁰²

MR. H. SMITH would like to ask the hon. gentleman if he thought any member holding an independent seat in the House of Assembly would accept a seat in the Legislative Council, with the risk of being turned out whenever the hon. gentleman chose to exercise the power of dissolving.¹⁰³ He protested against making the office of Mayor a stepping stone to the Legislative Council. It was a pernicious principle.¹⁰⁴ With respect to the wardens of counties, and the mayors of cities, it is well known that those persons who, from their position, their rank, and their wealth, are the best fitted to take a part in the public affairs of the country, will not interfere in the affairs of the municipalities. There are, it is true, several gentlemen of much ability in parliament, who have served in the municipalities; but he thought he could safely appeal to them, to say whether the office of warden was not a very responsible and onerous one--¹⁰⁵

MR. INSP. GEN. HINCKS.--Hear.¹⁰⁶

MR. H. SMITH.--Which is, generally, forced upon the person who fills the office: and from which he would gladly escape. What he meant to contend for was, that the proposition of the Government would exclude from the Legislative Council the greater part of those persons who would well become its halls, but who have a great repugnance to take part in the minor affairs of their municipalities. With respect to another point: he took it for granted, that under the new system, as well as under that which now exists, several members of the Cabinet would have seats in the Legislative Council: well, he desired to know what course the Government intended to pursue if a Cabinet measure, introduced into the House of Assembly, were rejected in the Council. Would the Government resign, in such a case?¹⁰⁷

MR. INSP. GEN. HINCKS.--Certainly not.¹⁰⁸

MR. H. SMITH continued; then where is your responsibility? He would put it in another way.¹⁰⁹ Suppose that a Government measure came down from the Council and it was defeated in the House of Assembly, would the Government then resign?¹¹⁰

MR. INSP. GEN. HINCKS.--That depends on the importance of the measure, (hear, hear, and laughter).¹¹¹

MR. H. SMITH thought he had put the hon. Inspector General in a fix.¹¹²

MR. INSP. GEN. HINCKS.--Not at all. The Ministry would resign now. (Renewed laughter.) Gentlemen might laugh; but he said that nowhere where our system of government prevails, does a Cabinet think of resigning upon an individual measure. He referred to the Jew Bill which was defeated session after session in the House of Lords, and might mention numerous other instances in British parliamentary practice.¹¹³

MR. H. SMITH knew perfectly that ... [the] question¹¹⁴ [of] resignation¹¹⁵ was that one above all others which the Inspector General disliked most, but he really thought it necessary to obtain the hon. gentleman's views on this point. The hon. gentleman during the course of his remarks, had endeavoured to make it appear that

there would be an essential difference between the two Houses; but he failed utterly to perceive the force of the arguments. The only difference that he could see, if the property qualification should be entirely removed, will be, that the House of Assembly will be composed of the free and unrestricted choice of the people, whilst the Legislative Council is to be filled with the rejected members of that House, and the Wardens of Counties. Under all the circumstances, he thought that when he voted for the first resolution he went quite far enough. It was not extraordinary that the press had cried out against the other resolutions: the Inspector General had attempted to show that they were incapable of forming a correct opinion on the subject; but every person knew that some of the most able men in the country, were on the press; the Inspector General himself owed all his power and his seat in Parliament, to the press; and was it strange that the press should perceive and denounce the absurd and ridiculous character of the details. Those details cannot be carried. There is another subject which had not yet been alluded to, but which he thought to be of some importance; he meant the payment of the members of the Council. The circumstances of people in this country were such, that he thought it would be impossible to secure a full attendance if the members of that body were unpaid as at present. There was another cause which contributed in a great degree to the deficiency of attendance in that House, under the existing system.¹¹⁶ He complained that the ministry had not originated any of their measures on the Upper House. That might have given it some importance. Nor had the Government brought forward their bills in that until after six weeks of the session had elapsed. The consequence was, that so much time was lost. The House had nothing before it, and members ought to have had those measures to consider, and make up their minds upon them.¹¹⁷ If the Government had been prepared to come down with their measures at the commencement of the session; if they had given the members of that body some of their bills in that House; they would have felt that they have a duty to perform by remaining at their posts; but it was impossible to hold them together when there was nothing to do, and when, at their own expense they were to await the action of this body on the Government measure.¹¹⁸ He did not think the country would sanction the principle of dissolution proposed in the resolutions.¹¹⁹ In conclusion, he observed that something must be done to place the Council on a better footing than that which it now occupies; and he regretted that necessity¹²⁰. He regretted the manner in which the present council had been destroyed in public estimation¹²¹, for he had always admired the Conservative character of the body up to 1849¹²²; but now it felt its own degradation, and he understood it was itself about to discuss a series of resolutions, affirming the principle that it should be reconstructed, and that its present constitution was defective.¹²³

MR. BOULTON said he regretted there was any backwardness on his side of the House in discussing this question, which was so momentous that all parties should express their views and allow the country to satisfy themselves that the result come to was the proper one.¹²⁴ [He] regretted that those gentlemen who sat near him, but with whom he differed on some points--he meant to say the leaders of the Conservative party had not expressed their opinions on this important question.¹²⁵

SEVERAL CONSERVATIVE MEMBERS.--Give them a chance.¹²⁶

MR. BOULTON would say that there did not appear to be any great anxiety on their part to express their opinions. He wished it to be understood that he was not about to express opinions resulting from consultation with any parties in the House; he expressed his own opinions solely, nor was he aware that they were participated in by any considerable number of the members.¹²⁷ He thought that the independence of the present council was destroyed; that it had ceased to be a check, and that its own members thought so. One of them was now proposing its re-organization.¹²⁸ He regretted to perceive the strong evidence of a wish to retain old

forms, and to avoid all change. That would be one of the principal difficulties that the advocates of the Elective Council would have to combat and to conquer; for there is indisputably a strong attachment to the institutions of the mother country and to the connection with it. He found no fault with that prejudice, for he desired that the connection should be retained as long as possible. He had himself been opposed to change, and regretted that that was the case, for he was now convinced that many of those changes, which he had formerly looked on as highly prejudicial, had conferred the greatest benefit on the country.¹²⁹ But there were prejudices against a change, such as he could well understand, as he had once entertained them, but that was when our Upper House was strictly a monarchical institution, a valuable safeguard to the crown, and a great protection to a minority when assailed by an unprincipled majority.¹³⁰ As long as the institutions of this Province were essentially monarchical, he could understand and appreciate that resistance to all change, because we had then, as nearly as possible, a counterpart of the British constitution; and if that form of constitution had been retained, he would not, on this occasion, advocate from his seat in Parliament the adoption of the elective principle as applied to the Legislative Council. At the present moment the institutions of the country are essentially republican, and those who oppose the principle of the first resolution¹³¹, his friends¹³², are bound to show one of two things: that the Legislative Council as at present constituted can be maintained as an efficient check on hasty legislation in the House of Assembly; or that a proper substitute can be provided by some other means. The existing body has proved that it is not a check on hasty legislation in the House of Assembly; and a body of that kind is absolutely necessary as a restraint on the governing power.--He contended that the only mode by which this can be effected is the thorough alteration of the constitution of the Council. No person would say that it is possible to retain that constitution. No person would say that it is a deliberative body. The Parliament had been two months in session, and yet it was only within the last two days that a quorum could be obtained.

(The hon. gentleman here proceeded to comment with some severity on the course pursued by the Council, with reference to a bill to enable the City of Toronto to effect a loan of £100,000.)¹³³

MR. INSP. GEN. HINCKS thought it was extremely unfair to make these attacks on another branch of the Legislature.¹³⁴

MR. J.A. MACDONALD, of Kingston, said that if the hon. member continued that course, he should move that the Speaker be called in, for it was altogether contrary to the rules of Parliament to make reflections on a co-ordinate and superior Legislative body.¹³⁵

MR. BOULTON would not make any reflections. He would confine himself to facts. To affect a single object, the House of Assembly thought proper to repeal two most important clauses of one of the soundest Acts which had ever passed through Parliament. The repealing bill went to the Council, was not discussed for a single moment, but passed through the several stages and became law in five minutes. He did not say it was the fault of the gentlemen composing the Council. It was the fault of the system. No one could expect that they would come down to Quebec, and wait month after month, without any necessity for their services, and without any remuneration. At present it is impossible to remunerate them, because the public would not consent that the nominees of the Crown should receive money out of the Treasury; but if the elective principle were adopted, no such objection could exist. That body itself is aware of the necessity for such a change, for he perceived that a series of resolutions had been proposed by one of its members in favour of a dissolution: and he had no doubt that these resolutions would be supported by a large number of the members. If those are the views of the members of the Council themselves, it was

not surprising that the other branch of the Legislature, and the country at large, should hold the same views. They do not possess the confidence or the respect of the people; and if a very popular measure were sent up to them by the Assembly, and they attempted to resist it, the country would at once demand their removal. The great evil of the moment is, that there is no check whatever on the popular branch of the legislature.¹³⁶ The right of selection gave great influence to the Governor, and it formed an admirable balance of power by maintaining and defending the rights of property, the permanency of chartered institutions, and an inviolability of Public Faith; but since 1841, our whole constitution is changed--the Governor and Council exist but in name. The Upper House is a mere duplicate of the House of Assembly, obedience alone is the one thing requisite, and the Assembly has absorbed the whole power and authority and is now irresistible. A change is now proposed, and the only question is now what shall it be. He was in favor of an elective Council as the best check that could be proposed. He contended that at present we were living under the most perfect tyranny, instead of those free institutions that were appreciated in other countries. He quoted the Federalist to show Madison's opinion of the kind of government we were living under. Madison says, "That the accumulation of all powers, Legislative, Executive, and Judiciary, in the same hands, whether of one, or few, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny." Montesquieu also says, "That there can be no liberty where the Legislative and Executive powers are united in the same person or body of magistrates," and Jefferson said that "where all the powers of government, Legislative, Executive and Judiciary result to the Legislative body is precisely the definition of a despotic government." He contended that our present position was exactly that described by these writers--that the leader of the government for the time being was all but absolute, and that nothing was safe from his interference, that the judiciary could be interfered with at any moment, and that no constitutional check existed to protect from spoliation the most sacred rights of property.¹³⁷ The Upper House dare not resist, because its independence would be destroyed if it did; the Governor is compelled to assent to every act of the two houses, and the Judges are completely at the mercy of the Assembly, which can turn them out of their seats at will. These powers should be separated; the Upper House ought to possess powers equal to those of the other branch of the Legislature.¹³⁸ He argued that the only security existed in the appointment of checks by a second and third branch of defining the powers of the Upper House and the Governor. He was aware that some parties were opposed to an elective Council direct by the people¹³⁹. He believed that there were some persons who were of opinion that the second chamber might be dispensed with altogether¹⁴⁰; others [wanted] a second branch elected by an electoral College¹⁴¹, but he did not think that that course could be adopted with safety.¹⁴² He referred to the State of Maryland, where originally they had a Senate elected by an electoral College, but not working satisfactorily, they abolished it in 1837, and it is now elected directly by the people; referring to one House only, he observed that in Pennsylvania they adopted in 1776 a single Legislative Assembly, but feeling that checks must be provided, that all bills of a public nature should be printed for the consideration of the people before their final passage, and except on occasions of public emergency such bills were not to be passed until the succeeding session. In practice this provision was almost entirely dispensed with, each act a majority could pass being considered a matter of emergency. In 1790 this constitution was changed, and two bodies elected directly by the people substituted, the longer time assigned to the senators, their being chosen by larger districts sitting as a separate body, being fewer in number, and the esprit du corps being considered a sufficient check; this last constitution lasted 50 years, and was then only changed to restrain the power of the governor, requiring his appointment to be confirmed by the Senate, and the election of all

county officers given to the people. In Georgia they had originally but one body, but in 1789 they adopted two branches, and this system now prevails in every State of the Union except the little inland State of New Hampshire¹⁴³ and [it] was not needed in New Hampshire, solely because a sort of Patriarchal Government has always existed there. With the experience of those States before us, he thought it would be imprudent to attempt to carry on the Legislature of this country with only one chamber.¹⁴⁴ He approved entirely of having a second body as a wholesome check, and thought it best that it should be elective, as nobody could be appointed that would be a check to the House of Assembly unless it also emanated from the people. Nor was an elective body objected to in England. The Cape of Good Hope and Australia had each elective Legislative Councils: in the former both bodies were elected by the same class of voters, who were required to occupy a tenement of £25 value. The qualification for members was the same as for electors, and the executive officers of the government had seats in these bodies, and speaking but not voting--it would not, therefore, be contended that an elective Legislative Council would be unfavorably considered. As to an elective body being a sufficient check, he considered it would much depend upon the details of the measure--to have the body half as large as the House of Assembly, would greatly tend to diminish the check.--The second branch should not consist of more than three-fourths or one-third of the number of the lower house.¹⁴⁵ He conceived that thirty or forty would be quite sufficient. The limitation of the number would necessarily cause the election to be made by a larger constituency, consequently, persons not merely of local, but of provincial reputation would be returned; persons who have taken, or are capable of taking a prominent position in public affairs. That is the check used in the United States, and it has not only been found most efficient, but he also believed that there was not a single instance in which the two branches had come into collision.¹⁴⁶ [The Council] being less numerous, elected from a much larger constituency, and holding for a longer period, would provide an adequate check. There was no danger that the people elected would be of the same stamp as in the lower house. Now a man was elected for a town or county very frequently from mere local influence, but when three or four counties were united, a man to stand a chance of election must have a reputation beyond his county, and must have shewn himself prominent as a public man, or be known from his superior mind and intelligence. This was the great security for the election of a superior class to be members of the upper house. It would secure old and experienced legislators and prevent hasty legislation, which, under present circumstances, was absolutely necessary. Every new election changes the lower house about one-half, from change of men must proceed change of opinion, and from change of opinion a change of measures, a mutable government forfeits the respect and confidence of the people, the laws become too voluminous and are not read or understood. These changes in legislation affect the trade and commerce of the country, benefit the enterprising and monied men over the masses, every new change benefiting those who watch and profit by these changes, besides a want of confidence in the government of a country damps every useful undertaking, and the success of existing arrangements. This he illustrated by referring to the changes in matters of trade now threatened, the Tug Boats, &c.¹⁴⁷ Now it becomes a very grave question whether it would be possible to apply the elective principle to the Council and stop there. (Hear, hear.) His own opinion was that it would be found necessary to go further. He was quite prepared to go the full length, for he did not admire the farce of Responsible Government: he did not wish to see this farce of Cabinet Ministers, showing that they had the confidence of the people by obtaining a seat in the House of Assembly. He would rather secure the confidence of the Governor of the Colony and be appointed solely by him.¹⁴⁸

MR. ROBINSON would like to know whether the hon. gentleman would allow the Governor General to be appointed by the Imperial Government.¹⁴⁹

MR. BOULTON.--Yes, until it would be possible to do better. What he desired was

that the Governor should be placed in an independent position; that he should be held responsible for his own acts, but should not be called on to sacrifice his own opinions to the caprices of a cabinet, the members of which, did not, possibly, possess half his talent or knowledge of affairs. With respect to the property qualification¹⁵⁰ for members of either branch¹⁵¹, he thought it is completely unnecessary in this country.¹⁵² He was free to admit that¹⁵³, formerly¹⁵⁴, he was always prejudiced in favor of a qualification, and considered it an indispensable security¹⁵⁵. But [he] had got over that idea, and would defy any one to show what benefit it can be in this country.¹⁵⁶ Looking into the subject ... he found that originally it formed no part of the British Institutions¹⁵⁷. In England it was unknown until the reign of Anne, when¹⁵⁸, in 1710 ... the Stat. of 9 Ann was passed to strengthen the hands of the Jacobites, the great upholders of absolute power, and did not extend the qualification to Scotland. To secure the landed interest in England, chiefly owned by the aristocracy, from interference by the commercial and manufacturing classes, he could understand that a qualification would be held requisite by the nobility, but in this country it was unnecessary, because the people were the landed proprietors, nine-tenths of our population being farmers who would not certainly elect men to sacrifice¹⁵⁹ [or] endanger the rights of property.¹⁶⁰ Besides, in Scotland there is no qualification for members--nor in any of the universities--which have sent the most able men to the House of Commons, viz.:-- Lord Jeffrey, Lord Campbell, Abercrombie, Ewart, Macaulay, Hume, McGregor, Fox Maule, Hon. Fred. Shaw, Gladstone, Sir H. Inglis, Goulborn, Lord Palmerston, Pitt, Sir R. Peel, and Scott, afterwards Lord Stowell; all those represented the universities or Scotch Boroughs, and went far to show that a high property qualification was unnecessary to secure the highest order of talent in England.¹⁶¹ In the House of Commons a bill was brought in by Lord John Russell in 1837, for the purpose of abolishing it in England.¹⁶² No landed qualification is now required, £300 of annual income being sufficient, but even this will be soon removed. Lord John Russell has declared that a property qualification is adverse to the principles of the ancient constitution of Great Britain, but there can be little doubt that before the end of this year, the present qualification for members in the Imperial Parliament, where such vast interests are at stake, will be entirely dispensed with. In February last, Lord John Russell brought in a bill to dispense with it, and in the debate which took place on the introduction of the bill no opposition was made to the proposition, and in March last, during the Derby administration, when Mr. Tufnell introduced a bill to abolish the property qualification for a member of parliament, Mr. Walpole, on behalf of the government, said no opposition would be offered to the measure, as it had constituted a portion of the Bill of Lord John Russell, to the introduction of which no opposition had been offered. He then commented on the limitation contained in the resolutions, to which he objected, conceiving that the people should not be restricted in their choice, they were the best judges of who should manage their affairs, and he was prepared to trust them. It was absurd to say that none should be elected but those who, for a time at all events, had lost the confidence of the people or withdrawn from public life. He thought there was no reason why all virgin purity should be excluded from that branch; the limitation would exclude¹⁶³ some of the best qualified men in Upper Canada, men of the stamp of Messrs. Widder and Cawthra¹⁶⁴, [and] many of the most leading men in Toronto and elsewhere who were well qualified, amongst them some of the wealthiest men in the Province¹⁶⁵. Scarcely a commercial man, either in Toronto or Montreal¹⁶⁶, whose talents could be useful to a government¹⁶⁷, would be eligible¹⁶⁸, and this would apply also to other commercial towns.¹⁶⁹ There was another point in the resolutions to which he would refer, before sitting down¹⁷⁰: he thought it most objectionable that¹⁷¹ the Legislative Council¹⁷² should be subject to dissolution¹⁷³ [by] the Cabinet if that Body were to be a check on legislation, it was apparent that it must be free from anything like intimidation. If the power of dissolution were re-

tained, the Council would feel that it was not independent, that it could not reject¹⁷⁴ an improper¹⁷⁵ ministerial measure without incurring the risk of being exposed to all the vexations of a contested election¹⁷⁶. [The Cabinet] could either intimidate the body into acquiescence by threatening a dissolution, and succeed, or dissolve them at an exciting moment, and thus remove all check whatever to unwise or unsound legislation.¹⁷⁷ He was, therefore, of opinion that it should be kept free and untrammelled.¹⁷⁸ He received the proposition, however, as a great boon from the government, it was strictly in accordance with the wishes of the people, and when once carried into effect, other changes must take place that would provide effectual checks, and afford to the people of this Province that security which was absolutely essential to any constitution adapted for the government of a free people.¹⁷⁹ He felt that the question was one of the greatest importance, and was not sure that it would not be better to refer it to a select committee, for the purpose of considering and reporting upon what would be the consequences of taking this step, for he was clearly of opinion that a stop could not be made here, but that further changes must follow.¹⁸⁰

DR. LATERRIERE (in French) was not distinctly audible throughout his speech, but he was understood to [say:]¹⁸¹ Sur une question d'une aussi grande importance, celle de changer le mode de constituer le conseil législatif, il est du devoir, je conçois, de chaque membre d'exprimer sans déguisement sa façon de penser. Je suis fâché de différer aujourd'hui d'opinion avec l'honorable secrétaire de la province. Je partageais avec lui, il y a 20 ans, le sentiment de la nécessité d'avoir un conseil électif. Mais les temps sont changés et je pense à présent différemment. Au soutien de ces résolutions, que nous a-t-on dit? Nous a-t-on fait comprendre que notre constitution devait rester, devait-être à l'instar de la constitution anglaise? Non, messieurs; ce n'est plus là où notre cabinet cherche, au soutien de sa mesure des précédents; mais c'est en Belgique et aux Etats-Unis.

Les événements déplorables de 1837, leurs conséquences encore plus déplorable pour nous Canadiens-Français, peuvent être attribués à la mauvaise composition, à la position factieuse de l'ancien conseil législatif, formé des douze membres du conseil exécutif non responsables, et en outre de tous les grands fonctionnaires de la province, à très peu d'exceptions systématiquement organisés et contamment [sic] en guerre avec la chambre d'assemblée. Ces honorables messieurs s'imaginaient représenter ici la chambre indépendante des Lords en Angleterre; mais ils n'avaient pour supporter leurs serviles et dépendantes singeries aristocratiques que leur salaire, en se dotant, et en octroyant à leurs supports les meilleurs terres publiques. Ce corps, au lieu de servir de pouvoir intermédiaire et de maintenir l'équilibre entre la branche populaire et le pouvoir exécutif, forçait presque toujours les gouverneurs à faire cause commune avec lui, en les préjugeant contre les Canadiens et la chambre d'assemblée. Les gouverneurs, arrivant ici sans connaître le pays et les habitants, étaient obligés de s'en rapporter, de se laisser guider, de tomber sous le contrôle de ce conseil exécutif souverainement maître, conseil qui de fait tenait les gouverneurs en une tutelle absolue. L'on connaît les accusations et les persécutions qu'ont eues à endurer les gouverneurs, sir Robert Presoct [sic], sir George Prévost et sir John Sherbrook, en voulant s'émanciper de cette tutelle pour rendre justice aux Canadiens! C'est contre cet état de chose, ce despotisme de quarante ans, qu'il fallait vaincre, mais contre lequel le pays a succombé en 1837. C'est après ces événements, en remplacement du conseil spécial, conseil tout aussi despotique que le conseil oligarchique précédent, que l'on pensa sérieusement à l'union des deux provinces, comme dernier coup de tomoahac à porter aux Canadiens.

Néanmoins, toutes les combinaisons pour nous priver de notre juste part dans la conduite des affaires publiques, "ten years of despotism, as recommended [sic] by Lord Sydenham (by the writer of his memoirs) to reduce us to nullity, have failed,"

n'ont point suffi. Les hommes ouvertement ou tacitement auteurs de la crise de 1837, après avoir été traqués comme des bêtes malfaisantes, mis à prix d'argent comme des loups, sont reparus sur la scène politique comme des agneaux sans taches; ont été appelés les uns après les autres à former un gouvernement responsable; ont joué [sic] et jouissent de la confiance du peuple souverains [sic]; les plus hauts placés de la colonie et avisent notre souveraine la reine. Et chose presque incroyable, ces mêmes hommes qui en 1836, étaient accusés de haute-trahison, de viser au renversement du gouvernement, parce qu'ils voulaient la réforme du conseil législatif, foyer alors de tous les abus, ces mêmes hommes, ministres aujourd'hui d'un gouvernement responsable, d'un gouvernement qu'ils s'efforçaient alors d'obtenir, sont les mêmes hommes, dis-je, qui en 1852, nous proposent la sanction d'un projet qui en 1837, les aurait fait pendre par ceux qui partagent leur position et leurs sentiments aujourd'hui! Les temps sont bien changés comme on le voit, puisqu'anglais, français, paraissent unanimes aujourd'hui sur la nécessité, nous dit-on, d'apporter la modification élective à la composition de cette branche de la législature. J'ai partagé autrefois l'opinion de l'abolition ou de l'élection du conseil en ces temps d'antagonisme; mais aujourd'hui que les choses ne sont plus les mêmes, je ne vois pas la même nécessité. On ne peut point se cacher que la qualité essentielle d'un membre du conseil législatif est l'indépendance. Et que deviendrait cette indépendance si cette branche de la législature devenait dissolvable comme l'assemblée¹⁸² législative?¹⁸³ Le vice fondamentale [sic] des résolutions de l'honorable secrétaire-provincial, c'est que l'on n'exige aucunement la qualification essentielle de la propriété, ni des personnes à être élues, ni des électeurs. Si nous les adoptions sans modifications, nous retournerions d'un seul trait à la barbarie, à cet âge primitif où tout le monde, sans organisation sociale, était également maître, et nous ferions cela sans égard à l'expérience des temps, sans égard aux progrès de l'esprit humain en législation. Vaudrait mieux, suivant moi, l'abolition du conseil législatif que de vouloir le reconstituer par election avec des éléments mêmes inférieurs à ceux de la chambre d'assemblée, c'est-à-dire des ex-membres exclus, et des maires municipaux. Nous verrions là d'honorables forgerons, des honorables cordonniers, des industriels de toutes espèces affublés du titre de très honorables messieurs. Du sublime au ridicule il n'y a qu'un pas; notre constitution contient en principe les attributions du père, du fils et de l'esprit, ne formant qu'un seul corps. Il faut que les branches aient suivant l'esprit de la constitution anglaise leurs attributions spéciales. Vouloir faire du conseil législatif une seconde branche élective de la chambre d'assemblée sans exiger les qualifications, non pas d'une aristocratie héréditaire, mais de l'aristocratie pécuniaire qui le rendrait indépendant de la branche populaire ainsi que des gouvernants et de ses aviseurs responsables, serait constituer un corps bien inférieur sous tous les rapports à celui que nous cherchons à améliorer. Le pouvoir du conseil législatif à l'instar de la chambre des lords en Angleterre, doit être autant que possible, autant que le permettrait cet élément trouvable dans la province, un pouvoir indépendant, intermédiaire, représentant les grands intérêts monétaires et fonciers des classes élevées de la société. Il est vrai que ces classes sont ici représentées, me dira-t-on; mais je dois le dire, ceux qui les représentent ici forment le plus petit nombre de la représentation de ces classes, par suite des cabales électorales, des préjugés que l'on soulève contre les conservateurs et par suite de cet esprit de nivelement [sic] dont on endoctrine les électeurs pour se rendre populaire. L'on prend des engagements, l'on fait des promesses de toutes espèces aux hustings pour capter la crédulité populaire. Les rouges, les clear-grits, viennent ici avec une traînée de mesures qui découlent de cette source envahissante, et forcent cette chambre à discuter, à se saisir de questions qui touchent aux grands intérêts de la société, à des droits acquis, aux droits mêmes sacrés de la propriété. La majorité démocratique de cette chambre, pêle-mêle des deux provinces, dominée d'une fièvre de réforme égale à la fameuse convention na-

tionale de 93, n'aurait plus rien pour la contrôler, tomberait dans les mêmes excès et entraînerait le gouvernement responsable même, comme, en effet, elle l'entraîne sur plusieurs de ces questions, et le tout se consommerait sans la garantie, sans le contre-poids d'un conseil législatif indépendant par la ruine de tous les états.

Oui, M. l'orateur, le conseil législatif doit être un pouvoir intermédiaire effectif, et il ne peut l'être qu'en y appelant des personnes indépendantes par leur fortune, leur position sociale, des autres branches, pour contrôler cette tendance que les gouvernements et les assemblées populaires ont en commun avec tous les corps de régler despotiquement leurs affaires. Ne perdons point de vue dans cette discussion [sic] préliminaire que le despotisme populaire est le pire des despotismes. D'après l'esprit de nivellement d'innovation qui se prononce ici de plus en plus tous les jours, ce serait en 1852, faire une bien dangereuse expérience que de créer un conseil législatif qui serait par sa composition plus démocratique, plus niveleur encore que la chambre d'assemblée, qui de fait puisant son existence de la même source, se croit en droit d'exercer les mêmes privilèges. Que deviendrait avec ce nouvel élément d'incendie parlementaire, notre gouvernement responsable? Notre présent conseil législatif ne porte ombrage à personne. Les personnes qui le composent sont sous le rapport de la propriété et des qualifications intellectuelles comme corps, ce qu'il y a peut-être de mieux en Canada. Les temps sont bien changés. Les raisons à l'appui de l'abolition ou de l'élection de ce corps n'existent plus comme ci-devant. Tout au contraire, le maintien ou la création d'un conseil plus indépendant me paraît être devenu de la plus urgente nécessité pour contrôler les innovations incessantes qui découlent de l'esprit entreprenant de nos réformateurs, poussés par la vapeur dominante du siècle. Nous avons sous les yeux l'augmentation de la représentation, l'affaire interminable des réserves du clergé, l'abolition de la tenure seigneuriale, l'enquête en marche pour remédier aux abus autrement criants dans les townships. La question des dîmes fera suite à ces mesures, ainsi que la codification de nos lois foncières impérieusement demandée pour les rendre applicables à toutes ces réformes en perspective. Oui, M. l'orateur, toutes ces réformes de notre part demandent la révision d'hommes calmes et le concours uniforme de toutes les branches indépendantes et bien constituées de la législation. A moins d'apporter des modifications aux présentes résolutions (car je suis pour la réforme, la plus grande indépendance de cette branche) je voterai certainement contre l'ensemble de ces résolutions.¹⁸⁴

DR. POULIN (in French)¹⁸⁵: Avant de soumettre à cette chambre les résolutions que je propose en amendement à celles de l'honorable secrétaire-provincial, je me permettrai quelques observations sur le conseil législatif tel qu'il existait avant le gouvernement responsable.¹⁸⁶ L'établissement d'une seconde chambre législative a pour but d'empêcher ou de retarder la passation de bills ayant eu leur origine dans la chambre d'assemblée.

Sous notre ancien système de gouvernement, le conseil législatif pouvait remplir le but pour lequel il avait été créé; mais n'étant pas responsable au public, il finit par en être si mal vu que tous ses actes furent regardés avec mépris.¹⁸⁷ Ce conseil était indépendant du peuple dont il repoussait avec opiniâtreté les mesures les plus raisonnables.¹⁸⁸ Depuis que nous possédons le gouvernement responsable, le conseil législatif est devenu une chambre sans pouvoir.¹⁸⁹ Aujourd'hui, le conseil législatif marche avec le peuple et toutes les mesures populaires adoptées par l'assemblée législative reçoivent son approbation.¹⁹⁰ Il lui serait inutile de vouloir apporter des amendements ou refuser son concours à aucune mesure de l'assemblée législative que demanderait le vœu général; il serait aussitôt mis dans l'impossibilité de le faire par une création de nouveaux conseillers. Et ceci est la conséquence naturelle de la forme ... actuelle ... du gouvernement¹⁹¹. Mais le peuple trouve aujourd'hui que ce conseil est trop soumis, trop peu indépendant pour rejeter une mesure sanctionnée par cette chambre, et surtout lorsque cette mesure

est appuyée par l'administration.¹⁹² Une administration ne peut demeurer au pouvoir sans partager les opinions de la majorité de la chambre d'assemblée; elle doit par conséquent voir à ce que ces opinions rencontrent une majorité dans le conseil législatif.

L'ancien conseil législatif pouvait arrêter pour toujours toutes mesures, soit bonnes, soit mauvaise[s], réclamées par la chambre d'assemblée, tandis qu'aujourd'hui le conseil législatif ne peut en arrêter aucune.

L'honorable secrétaire provincial nous a dit en introduisant ses résolutions que le conseil législatif était institué pour être un frein aux erreurs d'une législation hâtive. Pour que ces erreurs soient à craindre, il faut admettre qu'elles peuvent être partagées par une majorité de la chambre d'assemblée et soutenues par l'administration au pouvoir. C'est admettre en principe que le conseil législatif doit être indépendant des autres branches de la législature, afin qu'il puisse suspendre ou rejeter ce qu'il croira contraire à l'intérêt public.

La quatrième résolution pourvoit à ce que l'une des Chambres ou les deux chambres soient dissoutes en cas de différence d'opinion entre elles. Le ministère se trouve donc responsable aux deux Chambres et il devra être soutenu par une majorité des deux chambres dans les mesures qu'il proposera.¹⁹³ L'administration qui nomme les conseillers législatifs est donc la maîtresse de ce corps¹⁹⁴. Puisqu'elles doivent soutenir et passer les mêmes mesures, une des deux Chambres devient donc inutile, et n'est plus un contrepoids à l'autre¹⁹⁵ dans la balance des pouvoirs constitutionnels. Quant à moi, je désire avoir ce contrepoids; et c'est pour cela que je propose des résolutions en amendement à celle de l'honorable secrétaire-provincial qui permet au gouvernement de dissoudre le conseil législatif. Au lieu d'avoir une chambre indépendante, on aurait un corps qui serait sans liberté d'action, sans indépendance, car il devrait passer toutes les mesures du gouvernement ou être dissous. Or, cette crainte d'une dissolution ne serait guère propre à rendre ce corps indépendant.¹⁹⁶ De plus, cela met le ministère dans une position difficile et souvent inextricable, car, malgré que les deux Chambres soient élues par les mêmes électeurs, elles pourront avoir des vues toutes différentes, et c'est le même qui est admis par le fait qu'une chambre est établie pour être un frein à l'autre. Le collège électoral pour un conseiller législatif étant formé par la réunion de plusieurs comtés, pourra très souvent élire un conseiller d'une politique différente de celle de la majorité des membres de chaque comté séparé, et alors à quoi servira la dissolution des chambres si chacun des électeurs persiste dans son opinion primitive? En jetant les yeux sur les deux plus grands centres de la population de la province inférieure, on se souviendra que les mêmes électeurs ont élu en même temps des personnes d'opinions politiques différentes.¹⁹⁷ Si les deux chambres sont de même opinion sur toutes les questions, pourquoi alors avoir ces deux chambres? Ce n'est pas tant à cause de l'administration qu'à cause de l'assemblée législative qu'il doit y avoir deux chambres. L'honorable inspecteur-général (M. Hincks) nous a dit qu'on permettra au conseil législatif de différer d'opinion sur des mesures peu importantes, mais que cette permission lui sera refusée sur des questions importantes. Je n'admets pas cette distinction entre les petites et les grandes mesures; et je ne vois pas que pour donner cette liberté d'action au conseil législatif sur des mesures sans importance, la province doive encourir les dépenses nécessaires pour le maintien de deux chambres législatives.

Je ne vois pas qu'avec une seule chambre on ne pût avoir le gouvernement responsable. Si je comprends bien le but de deux chambres législatives, c'est que l'une serve de contrepoids à l'autre. Or, suivant les résolutions de l'honorable secrétaire-provincial, ce contrepoids n'existera pas, puisqu'on refuserait à ces deux chambres le droit de différer d'opinion sur une question importante. Je suis donc entièrement opposé à la dissolution du conseil par le gouvernement¹⁹⁸. Une seconde chambre élective, indépendante du pouvoir et avec le droit de contrôle sur toutes les mesures législatives, peut exister sans rien déranger dans notre forme

de gouvernement responsable.

L'administration pourra comme aujourd'hui être responsable au peuple par l'entremise des membres de la chambre d'Assemblée. Etant en plus grand nombre que les conseillers législatifs ils pourront faire connaître à leurs électeurs concentrés dans un comté peu étendu leurs opinions politiques et recevoir d'eux plus facilement l'expression de leurs besoins et de leurs désirs.

D'ailleurs si nous avons aujourd'hui le gouvernement responsable, la différence ne sera pas considérable, si nous retranchons dans notre constitution la responsabilité, que l'exécutif doit au conseil législatif actuel.

La seconde résolution fixe à soixante le nombre des conseillers. Si nous désirons ne voir dans la chambre haute que des personnes bien qualifiées et déjà connues dans la vie publique, le nombre doit en être aussi réduit que possible. Le but serait peut-être mieux atteint en limitant le nombre à 30; ce qui ferait des collègues d'à-peu-près 60,000, et un tiers de ces conseillers sortirait de charge tous les deux ans.

Le principe émis dans la troisième résolution est sage et l'orateur n'a aucun doute que tous ceux qui désirent faire du conseil une chambre indépendante appuieront cette résolution.

Il croit aussi que le tems de la durée du mandat des conseillers législatifs ne doit pas être aussi considérable que celui fixé par les résolutions devant la chambre et que 6 ans seraient un terme préférable à 9 ans.

Telles sont à peu-près ses vues sur cet important sujet et c'est pour mettre ces vues à effet qu'il a proposé les amendements aux résolutions devant la chambre.¹⁹⁹

MR. PAPINEAU.--Le ministère mérite²⁰⁰ la reconnaissance [et]²⁰¹ la gratitude de la chambre et du pays pour avoir proposé²⁰² ce projet²⁰³ de rendre le conseil législatif électif. C'était le désir du peuple du Bas-Canada depuis longtemps.²⁰⁴ L'honorable monsieur fait ici allusion au conseil législatif du Bas-Canada²⁰⁵ which he condemned, and characterized as an obstructive body²⁰⁶. Le conseil législatif d'autrefois était un corps extrêmement nuisible. Le dernier ministère a mis le sceau à la dégradation du conseil en détruisant son indépendance.²⁰⁷ J'ai fait partie de la majorité qui a appuyé²⁰⁸, dans cette chambre une mesure juste qui a créé²⁰⁹ tant de mécontentement [et]²¹⁰ de l'irritation chez la minorité. Je pense que c'était le devoir de la chambre de passer ce bill, mais il aurait dû être conduit avec modération, avec une attitude ferme et réfléchie de la part du gouvernement vis-à-vis de l'opposition. On aurait pu alors prévenir l'irritation et les troubles qui s'en sont suivis.²¹¹ Pour faire passer cette mesure, on n'aurait pas dû détruire l'indépendance de la chambre haute en y introduisant un nombre considérable d'hommes dont on connaissait d'avance les opinions. L'entrée de ces hommes dans le conseil législatif a dégradé le reste des hommes de ce corps.²¹²

MR. INSP. GEN. HINCKS²¹³.--Ce n'est pas le cas.²¹⁴ Je nie que leurs opinions fussent connues d'avance.²¹⁵

MR. PAPINEAU.--Je dis que l'administration²¹⁶ avait pris connaissance des vues de ces hommes avant de les introduire dans le conseil.²¹⁷

MR. INSP. GEN. HINCKS, (avec emportement). Je dis que vous ne dites pas la vérité.²¹⁸

MR. PAPINEAU, (avec émotion).--Je maintiens que ce que vous dites n'est pas vrai.²¹⁹

MR. INSP. GEN. HINCKS again, you say what is not true.²²⁰

Ici les deux honorables membres se lèvent.²²¹

MR. INSP. GEN. HINCKS essaya de s'expliquer, mais la confusion était trop grande²²² [and] he was met with loud cries of order.²²³

MR. MALLOCH, the Chairman of the Committee, cried out order.²²⁴

MR. INSP. GEN. HINCKS maintained the floor and attempted to speak amid an indescribable noise and confusion. He was heard at intervals to say "call in the Speaker, this is a question of veracity"²²⁵. Il prétendit qu'il était important d'établir cette question de véracité, et défia M. Papineau de donner la preuve de son allégué.²²⁶

L'ordre est rétabli.²²⁷

MR. PAPINEAU said, you may say what you like, but I have my recollection. He went on to say that he remembered the statements which had been made in the House on this point, and that members of the administration had stated when this bill was before the House, that measure had been taken to pass it through the Council. A large body of men were introduced into the Council by whose vote the bill he had alluded to was carried. From that moment it was evident that the members of that House would become disgusted with their situation, because whatever the value of their business and the description, they must have felt--men of independence must have felt--that they could always be swamped. From that moment they fell in the public estimation and became degraded in their own. Formerly the Legislative Council were truly considered as obstructives. In a short period sixty bills were either rejected by them or so altered as to be spoilt. The Canadian Legislature therefore stated to England that if they were thererepresentatives of the people, their measures could not be thus rejected constantly, though they might in their independence do so sometimes with propriety and expediency. But with a Cabinet as petulant as the last--(laughter)--any bill might be an excuse for again swamping the Council, and they thus became again the fools of the administration. That the Council ought to be elective was clear. He might refer to the example of the twenty-five millions of the best politically educated men in the world, who in numerous popular conventions, held from time to time, have always determined that the Executive and Legislative functions of government ought to be separate and the Legislature divided into two Houses. Their condition was our condition, and their unshackled opinion was pronounced in favour of this division. Among them there had been several Legislatures with only one House, under the idea that by that means the will of the people was more directly transfused into the Legislature.-- This was theory but unsound theory, and quietly, peaceably, following the wise rule that one generation shall not control another, by a series of conventions, they have adopted universally two houses as the best system for Legislation. The government here did not seem to make enough use of the experience of those states, and they risked failure by trying new combinations which would restrict the choice of the voters, and so destroy the elective principle. There the Upper House was usually called the Senate, and generally elected for two years. As a name was much with the masses, he would like the grandeur of free Rome recalled by that name, instead of retaining one to which all recollections were attached. But as a matter of more consequence, he sincerely wished the Upper House should be respected, and able to revise the legislature of the Lower House without passionate censure from without, when they differ. He however, approved the resolutions which provided for the abolition of the property qualification; but since we could not adopt a popular convention--since we could not depend solely on our God, our conscience, and our constituents--since we must apply to England to make this change, why not try at the same time to obtain a shorter term for the duration of the House of Assembly. In four years there might be many changes, many new combinations not foreseen at first, which would have changed the determination of the constituents if they had been known. The shortening of the term, therefore, he thought even more important than the reform of the Council. The constitutions of the two houses were intimately blended, and it was because he looked at them together,

that he approved the amendment of the hon. member for Rouville. If the Lower House represented small constituencies, it was because the minutest parts of the country should be known; but if you make the Upper House as numerous as the Lower, you make it but the echo--the shade of the lower house.--You thus have no strength, no self-confidence in the second Chamber. But if you have a large constituency, you at once give weight and importance to the House; you want no other qualification, for the candidate must have been a well known man to merit the confidence of so large an extent of country. The restriction in the third resolution was far too narrow; it restrained the good sense of the people by limiting the numbers from who they could select.²²⁸

MR. PROV. SEC. MORIN.--Il y a plus de trente personnes qui seraient éligibles dans Montréal.²²⁹

MR. PAPINEAU.--Oui: dans les villes, par notre malheureux système, le peuple est beaucoup plus instruit qu'à la campagne, et tout a été, par conséquent, centralisé dans les Villes; mais il nous faut, comme dans les autres pays, des représentants de la campagne, et c'est là que le plan proposé restreint le choix. Le terme de neuf ans pour lequel le conseil serait élu est aussi bien trop long. Un tel conseil serait trop semblable à l'ancien conseil²³⁰, for men could not readily make up their minds to give up their families and their business for so long a term. They would be like the old council, where each member was constantly asking for promotion, in order that he should be able to keep his place and fulfil his pledge to the public.²³¹ Avant tout, comme je désire voir le conseil respecté et populaire, je m'opposerai à ce qu'il puisse être dissout au plaisir du ministère.²³² It was enough that the Upper House should be elected by large constituencies, by the people, to make it in proper accordance with the Lower House, and there was little fear in consulting their constituents, that they would repeatedly reject a bill sent up from the Lower House.²³³ La chambre haute devra être un contrepoids pour la chambre basse, et prévenir toute législation hâtive et inconsiderée²³⁴, and it seemed to him opposed to the conservative character which the ministry must desire to impress on the Council, to make it thus liable to dissolution. If the two houses were elected altogether on the same day, they would be alike in every respect, and would be essentially but one house.²³⁵ Si je votais contre le principe électif, je serais convaincu que je serais en opposition à la majorité de mes constituants et du pays. Et je pense que chacun peut dire la même chose; ce n'est pas de l'indépendance, mais de la présomption de braver l'intelligence et la volonté de ceux qui sont après tout [sic] leurs principes.--Si la constitution de l'autre chambre n'est pas satisfaisante, au premier différend les mêmes sentiments de mécontentement renaîtront.²³⁶ Turning to the number convenient for the constitution of the Upper House, he contended that it should not be too numerous. In the United States there were no senates with more than one third of the numbers of the Upper House, and more of the new ones had more than one fourth. Then as to the mayors: it was well known that many of them, especially in Lower Canada, were not the fittest men for the Legislative Council, and it was inconsistent to allow mayors appointed by Lord Sydenham to be eligible and yet to refuse eligibility to the special council. There were more words than enough in the resolutions. The assertion that the system of responsibility had been introduced here was sheer nonsense. In England there was responsibility: the House of Lords was independent, and not to be bought by Government ... [nor] able to buy Governments, whereas here, in Canada, the Government could always secure support by bribery. These words might have been left out without any injury to the resolution; but the House was to be compelled to swallow them. He hoped ministers would revise and improve their work as they did not intend to act on it at once. As to the increase of the Legislature, he would remind the House that in the States, to secure speedy despatch of business by preventing the too great excess of members, the members of the Legis-

lature were limited. In New York with 3,000,000 of people, there were but one hundred and twenty-eight members of the Lower House, and the constitutions did not admit of their increase.²³⁷

MR. INSP. GEN. HINCKS said the hon. member for Two Mountains had alluded to his petulance; but the hon. member, who well weighed all his words, had employed language of more unmeasured character than his. When that hon. member made a very serious charge upon the late ministry, he (Mr. H.) was content with saying no! no! When it was reiterated, he thought it his duty to deny it. The hon. member had declared that the opinions of the gentlemen called to the Legislative Council were ascertained before their appointment. He solemnly declared that the hon. members were not aware that they were to be appointed till the mandamuses came out, and those mandamuses he declared farther were not in blank. Indeed the Government could not have been aware of the scenes that were to have been transacted and therefore could have made no such bargains. Regretting the warmth of the debates which took place on the Rebellion Losses Bill, and taking his share of the blame, he declared the provocation did not come first from the ministerial side. It was quite impossible for a Government coming to power as the late ministry did, to fail to obtain more support in the other House than they would have had without change; and even with their creations, they only obtained a fair share of support in that House, and one of the members then called to the Council, was a warm opponent of the very measure which it was said he was appointed to support. Now turning to the resolutions, the hon. member was well known to be an adviser of Republicanism; but as he preferred monarchy, he did not intend to do anything to bring about a change in that particular. He then repeated the arguments in favour of the resolutions, in the same way as in introducing the subject.²³⁸

MR. PAPINEAU said that it was very singular that he should have been rudely contradicted, when he said that the views of the gentlemen elected for the Upper House were known before their appointment. The measure was known before the session, and it was quite well understood by the gentlemen appointed. It was not likely that any minister would go awkwardly and make a particular bargain. Did the hon. member think to escape by such a quibble.²³⁹

MR. INSP. GEN. HINCKS asked, then, if that was all, why the hon. member did not say the former ministry had appointed gentlemen, whose views were known.²⁴⁰

(266)

and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch

(267)

reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Burnham, seconded by Mr. LeBoutillier, The House adjourned until Monday next.

APPENDIX: 8 OCTOBER 1852.

[NOTICE OF MOTION RE: PAYMENT OF JURORS.]

MR. STUART [a donné un avis de motion pour que] lundi prochain ... la chambre se forme en comité pour prendre en considération la résolution suivante:--

Que chaque petit juré qui assistera à aucune des cours du banc de la reine, oyer et terminer, évacuation générale des prisons, ou sessions trimestrielles générales de la paix, dans le Bas-Canada, aura le droit de recevoir et être payé pour ce service la somme de cinq chelins par jour, pour chaque jour qu'il assistera à la dite cour; et la somme de six deniers par mille pour chaque mille qu'il parcourra nécessairement depuis sa demeure jusqu'à la dite cour, et qu'il est expédient d'établir des dispositions législatives à cet effet.²⁴¹

FOOTNOTES: 8 OCTOBER 1852.

1. The following papers reported the introduction of this Bill in identical accounts: MORNING CHRONICLE, 11 October 1852, MONTREAL GAZETTE, 13 October 1852, QUEBEC GAZETTE, 13 October 1852, and BRITISH COLONIST, 15 October 1852. The matter was also reported by: GLOBE, 16 October 1852; and NIAGARA MAIL, 20 October 1852. The following papers noted the matter in identical accounts: BRITISH WHIG, 9 October 1852, HAMILTON SPECTATOR DAILY, 9, 14 October 1852, BRITISH COLONIST, 12 October 1852, EXAMINER, 13 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852. The matter was also noted by L'AVENIR, 13 October 1852. A commentary appeared in JOURNAL DE QUEBEC, 9 October 1852.
2. GLOBE, 16 October 1852.
3. MORNING CHRONICLE, 11 October 1852.
4. The following papers reported the introduction of this Bill in identical accounts: MORNING CHRONICLE, 11 October 1852, MONTREAL GAZETTE, 13 October 1852, QUEBEC GAZETTE, 13 October 1852, and BRITISH COLONIST, 15 October 1852. The matter was also reported by: GLOBE, 16 October 1852; and NIAGARA MAIL, 20 October 1852. The following papers noted the matter in identical accounts: BRITISH WHIG, 9 October 1852, HAMILTON SPECTATOR DAILY, 9, 14 October 1852, BRITISH COLONIST, 12 October 1852, EXAMINER, 13 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852. A commentary appeared in JOURNAL DE QUEBEC, 9 October 1852.
5. GLOBE, 16 October 1852.
6. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 11 October 1852, MONTREAL GAZETTE, 13 October 1852, QUEBEC GAZETTE, 13 October 1852, and BRITISH COLONIST, 15 October 1852. The debate was also reported by: GLOBE, 16 October 1852; and NIAGARA MAIL, 20 October 1852. The following papers noted the debate in identical accounts: BRITISH WHIG, 9 October 1852, HAMILTON SPECTATOR DAILY, 9, 14 October 1852, BRITISH COLONIST, 12 October 1852, EXAMINER, 13 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852.
7. GLOBE, 16 October 1852.
8. IBID.
9. MORNING CHRONICLE, 11 October 1852.
10. GLOBE, 16 October 1852.
11. MORNING CHRONICLE, 11 October 1852.
12. GLOBE, 16 October 1852.
13. MORNING CHRONICLE, 11 October 1852.
14. IBID.
15. GLOBE, 16 October 1852.
16. IBID.
17. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 11 October 1852, MONTREAL GAZETTE, 13 October 1852, QUEBEC GAZETTE, 13 October 1852, BRITISH COLONIST, 15 October 1852, BRITISH WHIG, 15 October 1852, HAMILTON SPECTATOR DAILY, 15 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852. The debate was also reported by GLOBE, 16 October 1852. The following papers noted the debate in identical accounts: BRITISH WHIG, 9 October 1852, HAMILTON SPECTATOR DAILY, 9, 14 October 1852, BRITISH COLONIST, 12 October 1852, EXAMINER, 13 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852. The debate was also noted by GLOBE, 14 October 1852.
18. MORNING CHRONICLE, 11 October 1852.
19. GLOBE, 16 October 1852.
20. MORNING CHRONICLE, 11 October 1852.

21. GLOBE, 16 October 1852.
22. MORNING CHRONICLE, 11 October 1852.
23. GLOBE, 16 October 1852.
24. MORNING CHRONICLE, 11 October 1852.
25. GLOBE, 16 October 1852.
26. MORNING CHRONICLE, 11 October 1852.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. GLOBE, 16 October 1852.
32. MORNING CHRONICLE, 11 October 1852.
33. GLOBE, 16 October 1852.
34. MORNING CHRONICLE, 11 October 1852.
35. GLOBE, 16 October 1852.
36. MORNING CHRONICLE, 11 October 1852.
37. GLOBE, 16 October 1852.
38. IBID.
39. MORNING CHRONICLE, 11 October 1852.
40. GLOBE, 16 October 1852.
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47. MORNING CHRONICLE, 11 October 1852.
48. GLOBE, 16 October 1852.
49. MORNING CHRONICLE, 11 October 1852.
50. GLOBE, 16 October 1852.
51. IBID.
52. IBID.
53. MORNING CHRONICLE, 11 October 1852.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 11 October 1852, MONTREAL GAZETTE, 13 October 1852, PILOT, 13 October 1852, QUEBEC GAZETTE, 13 October 1852, BRITISH COLONIST, 15 October 1852, BRITISH WHIG, 15 October 1852, HAMILTON SPECTATOR DAILY, 15, 16 October 1852, GLOBE, 19 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN SEMI-WEEKLY, 22 October 1852, NORTH AMERICAN WEEKLY, 28 October 1852, JOURNAL DE QUEBEC, 12, 14 October 1852, and LA MINERVE, 16 October 1852. The debate was also reported by: GLOBE, 16 October 1852; and LE PAYS, 15, 18, 20, 27 October 1852. Commentaries appeared in: GLOBE, 14 October 1852; LE PAYS, 13 October 1852; and L'AVENIR, 27 October 1852.
63. QUEBEC GAZETTE, 13 October 1852.
64. GLOBE, 16 October 1852.

65. QUEBEC GAZETTE, 13 October 1852.
66. GLOBE, 16 October 1852.
67. QUEBEC GAZETTE, 13 October 1852.
68. GLOBE, 16 October 1852.
69. QUEBEC GAZETTE, 13 October 1852.
70. GLOBE, 16 October 1852.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID., 19 October 1852.
76. QUEBEC GAZETTE, 13 October 1852.
77. GLOBE, 19 October 1852.
78. QUEBEC GAZETTE, 13 October 1852.
79. GLOBE, 19 October 1852.
80. QUEBEC GAZETTE, 13 October 1852.
81. GLOBE, 19 October 1852.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
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87. IBID.
88. IBID.
89. QUEBEC GAZETTE, 13 October 1852.
90. GLOBE, 19 October 1852.
91. QUEBEC GAZETTE, 13 October 1852.
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93. QUEBEC GAZETTE, 13 October 1852.
94. GLOBE, 19 October 1852.
95. QUEBEC GAZETTE, 13 October 1852.
96. GLOBE, 19 October 1852.
97. QUEBEC GAZETTE, 13 October 1852.
98. GLOBE, 19 October 1852.
99. IBID.
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102. IBID.
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104. QUEBEC GAZETTE, 13 October 1852.
105. GLOBE, 19 October 1852.
106. IBID.
107. IBID.
108. IBID.
109. QUEBEC GAZETTE, 13 October 1852.
110. GLOBE, 19 October 1852.
111. IBID.
112. IBID.
113. IBID.
114. IBID.
115. QUEBEC GAZETTE, 13 October 1852.
116. GLOBE, 19 October 1852.
117. QUEBEC GAZETTE, 13 October 1852.
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119. QUEBEC GAZETTE, 13 October 1852.

120. GLOBE, 19 October 1852.
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123. QUEBEC GAZETTE, 13 October 1852.
124. IBID.
125. GLOBE, 19 October 1852.
126. IBID.
127. IBID.
128. QUEBEC GAZETTE, 13 October 1852.
129. GLOBE, 19 October 1852.
130. QUEBEC GAZETTE, 13 October 1852.
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132. QUEBEC GAZETTE, 13 October 1852.
133. GLOBE, 19 October 1852.
134. IBID.
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137. QUEBEC GAZETTE, 13 October 1852.
138. GLOBE, 19 October 1852.
139. QUEBEC GAZETTE, 13 October 1852.
140. GLOBE, 19 October 1852.
141. QUEBEC GAZETTE, 13 October 1852.
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143. QUEBEC GAZETTE, 13 October 1852.
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147. QUEBEC GAZETTE, 13 October 1852.
148. GLOBE, 19 October 1852.
149. IBID.
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151. QUEBEC GAZETTE, 13 October 1852.
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178. GLOBE, 19 October 1852.
179. QUEBEC GAZETTE, 13 October 1852.
180. GLOBE, 19 October 1852.
181. IBID.
182. JOURNAL DE QUEBEC, 12 October 1852.
183. LA MINERVE, 16 October 1852.
184. JOURNAL DE QUEBEC, 12 October 1852.
185. QUEBEC GAZETTE, 13 October 1852.
186. JOURNAL DE QUEBEC, 14 October 1852.
187. LA MINERVE, 16 October 1852.
188. JOURNAL DE QUEBEC, 14 October 1852.
189. LA MINERVE, 16 October 1852.
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191. LA MINERVE, 16 October 1852.
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195. LA MINERVE, 16 October 1852.
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197. LA MINERVE, 16 October 1852.
198. JOURNAL DE QUEBEC, 14 October 1852.
199. LA MINERVE, 16 October 1852.
200. IBID.
201. JOURNAL DE QUEBEC, 14 October 1852.
202. LA MINERVE, 16 October 1852.
203. JOURNAL DE QUEBEC, 14 October 1852.
204. LA MINERVE, 16 October 1852.
205. JOURNAL DE QUEBEC, 14 October 1852.
206. QUEBEC GAZETTE, 13 October 1852.
207. LA MINERVE, 16 October 1852.
208. JOURNAL DE QUEBEC, 14 October 1852.
209. LA MINERVE, 16 October 1852.
210. JOURNAL DE QUEBEC, 14 October 1852.
211. LA MINERVE, 16 October 1852.
212. JOURNAL DE QUEBEC, 14 October 1852.
213. LE PAYS, 13 October 1852, commented as follows on Mr. Hincks' conduct during the debate on this question: "Il est une petite scène, survenue pourtant pendant le débat, que je veux faire connaître au lecteur.

On sait, ou on ne sait pas, que M. Hincks, depuis surtout qu'il est premier ministre, est d'une impatience, d'une irritabilité, inconcevables. Seul homme parmi les ministres capable de concevoir et d'exécuter une grande entreprise, et de mener et régenter un parti, toujours occupé du soin de raffermir sa position chancelante, de coordonner les éléments discordants de son administration, de satisfaire aux exigences [sic] de ses souteneurs, de répondre aux attaques de ses adversaires, le travail auquel il s'estreint est immense, et pour ne pas succomber, il a recours, dit-on, à des stimulants factices qui déterminent chez lui un état de surexcitation fébrile, durant lequel il est violent et emporté au point de perdre tout ménagement, même pour ses amis. Il était sous cette influence, l'autre soir, lorsqu'il a gourmandé d'une manière si maladroite, si impolitique, ses amis du Bas-Canada à propos de leur opposition à la mesure de M. Brown sur l'usure. Il devait aussi être sous cette influence, vendredi dernier lors du débat sur les résolutions de M. Morin, car autrement

on ne pourrait s'expliquer la manière tout à fait répréhensible et brutale dont il a agi envers M. Papineau.

Voici comment.

Le membre pour les Deux-Montagnes venait de commencer son discours, et après avoir parlé de l'incendie du parlement que le dernier ministre avait provoqué par l'intempérance de son langage, par ses bravades à ses adversaires, après avoir dit que ce ministère avait contribué à augmenter l'impopularité du conseil législatif, par la manière dont il avait fait certaines nominations à ce corps, il eut le malheur de faire allusion à la rumeur qui eut cours, dans le temps, et de dire: que les membres du gouvernement, avait-on dit, s'étaient vantés que le bill pour les pertes de 37-38 passerait. Là-dessus M. Hincks fit un bond et dit: Ce n'est pas vrai! M. Papineau, sans être déconcerté par cette gentille apostrophe du chef du cabinet, lui dit avec animation: C'est vous qui dites ce qui n'est pas vrai. Puis il s'éleva un bruit, une confusion comme on n'en avait pas vu depuis longtemps dans l'enceinte législative. M. Hincks était debout, gesticulant avec colère et faisant des efforts pour se faire entendre. L'opposition criait: à l'ordre! à l'ordre! à l'ordre! et couvrait sa voix.

Le président du comité, M. Malloch, avait quitté le fauteuil, ne pouvant être écouté de M. Hincks, et il criait aussi: à l'ordre! Tout le côté ministériel était silencieux. Pas une seule voix pour appuyer le premier ministre. Force fut à ce dernier de s'asseoir, et M. Papineau, qui avait attendu tranquillement l'issue de cette scène, se leva pour continuer son discours, après avoir exprimé combien il était surpris de la conduite de M. Hincks qui s'était oublié au point de l'interrompre d'une manière si inconvenante et si peu parlementaire, lorsqu'il ne faisait que rapporté ce qui avait été dit dans la circonstance à laquelle il avait fait allusion...."

- 214. LA MINERVE, 16 October 1852.
- 215. JOURNAL DE QUEBEC, 14 October 1852.
- 216. IBID.
- 217. LA MINERVE, 16 October 1852.
- 218. JOURNAL DE QUEBEC, 14 October 1852.
- 219. LA MINERVE, 16 October 1852.
- 220. QUEBEC GAZETTE, 13 October 1852.
- 221. JOURNAL DE QUEBEC, 14 October 1852.
- 222. LA MINERVE, 16 October 1852.
- 223. QUEBEC GAZETTE, 13 October 1852.
- 224. IBID.
- 225. IBID.
- 226. LA MINERVE, 16 October 1852.
- 227. JOURNAL DE QUEBEC, 14 October 1852.
- 228. QUEBEC GAZETTE, 13 October 1852.
- 229. LA MINERVE, 16 October 1852.
- 230. IBID.
- 231. QUEBEC GAZETTE, 13 October 1852.
- 232. LA MINERVE, 16 October 1852.
- 233. QUEBEC GAZETTE, 13 October 1852.
- 234. LA MINERVE, 16 October 1852.
- 235. QUEBEC GAZETTE, 13 October 1852.
- 236. LA MINERVE, 16 October 1852.
- 237. QUEBEC GAZETTE, 13 October 1852.
- 238. IBID.
- 239. IBID.
- 240. IBID.
- 241. LE PAYS, 13 October 1852.

MONDAY, 11 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. LeBlanc,--The Petition of J.A. Charlebois and others, of the Parishes of St. Polycarpe and St. Zotique and other places, in the County of Vaudreuil.

By Mr. Christie of Wentworth,--The Petition of the Municipality of the Village of Paris, and the Petition of Thomas Davis and others, on behalf of the Congregation of Stoney Creek, in the Township of Saltfleet.

By Mr. Brown,--The Petition of Samuel Spreull and others, Members of the first and second Presbyterian Congregations, and the Reformed Presbyterian Congregation of Toronto, the Petition of William Houston and others, of the Township of Ramsay; and the Petition of the Municipality of the Township of Puslinch.

By Mr. Stuart,--The Petition of His Grace the Archbishop of Quebec, Patron, and others, the Officers of the Catholic Institute of St. Roch of Quebec; the Petition of A. Coté and others, Printers and Proprietors of Printing Establishments, of the City of Quebec; and the Petition of the Honorable R.U. Harwood.

By Mr. Street,--The Petition of the Reverend T.B. Fuller and others, Members of the United Church of England and Ireland, in the Rectory of Thorold, Diocese of Toronto.

By Mr. Clapham,--The Petition of the Reverend Giffard Dorly and others, the Congregation of St. Sylvester, in connection with the British Wesleyan Methodist Church.

By the Honorable Mr. Merritt,--The Petition of the Municipality of the Township of Pelham.

Pursuant to the Order of the day, the following Petitions were read:--

Of John Davis and others, of Garden Island, near the City of Kingston; and of J. Counter, Esquire, Mayor, and others, of the City of Kingston; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Of the Municipal Council of the County of Norfolk; praying for the passing of an Act to confirm certain By-Laws of the District Council of the late District of Talbot, and to provide for the recovery of rates or taxes imposed by the said By-Laws.

Of the Municipal Council of the County of Norfolk; praying certain amendments to the Jury Law.

Of the Municipal Council of the County of Norfolk; praying that the duties of Revenue Inspectors, with reference to Tavern Licenses, may be transferred to the Township Inspectors.

Of Daniel Costello and others, of the County of Peterborough and Victoria; praying that the proposed Trunk Line of Railway may be made to touch at Peterborough.

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Of the Municipal Council of the County of Bellechasse; praying that the Tax imposed by the Corporation of the City of Quebec on persons frequenting the Markets thereof, for the purpose of selling their produce, may be abolished.

Of the Reverend M.Y. Stark and others, of the Town of Dundas; of the Reverend D. Fraser, Minister, and others, the Congregation of the Free Church, Coté Street, Montreal; of P. Low, Esquire, Mayor, and others, of the Town of Picton; and of W.S. Macdonald and others, of the Town of Gananoque and its vicinity; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Canals.

Of the Reverend Thomas Green and others, Trustees of Grammar Schools in the United Counties of Lincoln and Welland, and residing in the Town of Niagara;

praying for the passing of an Act to enable them to make surrender of a certain Lease granted them in their said capacity by the Executive Government, and to authorize a grant in fee, as also power to sell the same and to purchase a site more eligible for the purposes intended by the said Lease.

Of William Allen and others, Cabinet Makers and Chair Manufacturers, of the City of Montreal; praying for the imposition of a certain Duty on Furniture and Chairs of Foreign Manufacture imported into this Province, and an exemption from Duty on all Materials used in the manufacture of those articles.

Of G. Beaudet and others, Censitaires, of the Parish of Côteau du Lac, County of Vaudreuil; praying the adoption of measures for the modification or the abolition of the Seigniorial Tenure in Lower Canada.

Ordered, That the Petition of G. Beaudet and others, Censitaires, of the Parish of Côteau du Lac, County of Vaudreuil, be printed for the use of the Members of this House.

Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Act incorporating Bishop's College.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Lemieux have leave to bring in a Bill to explain and remove doubts as to the construction of the Act author[iz]ing Parties to sue and defend Causes in formâ pauperis before the Courts of Law in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Langton, seconded by Mr. Burnham,

Ordered, That the 70th Rule of this House be suspended, in so far as regards the Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to remove doubts as to the powers of the Junior Judges of County Courts in Upper Canada:"

Bill, intituled, "An Act to authorize the appointment of Assistant Judges of the Superior Court for Lower Canada in certain cases:"

Bill, intituled, "An Act further to extend the period limited for certain purposes by the Montreal Registry Act:"

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Bill, intituled, "An Act to amend the Act providing for the summary decision of Small Causes in Lower Canada:"

Bill, intituled, "An Act to supply an omission in Schedule B to the Upper Canada Municipal Corporations Law Amendment Act of 1850:"

Bill, intituled, "An Act to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein:"

And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "An Act to amend the Act of Incorporation of the

Niagara Harbour and Dock Company," to which they desire the concurrence of this House: And also,

The Legislative Council do give leave to the Honorable Mr. James Morris to attend and give evidence before the Special Committee of this House to which are referred the several Petitions on the subject of Sabbath labor in the Post Office Department, and on the Canals, if he thinks fit.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company," was read for the first time.

On motion of Mr. Street, seconded by Mr. Boulton,
Ordered, That the Bill be read a second time To-morrow.

On motion of Mr. Willson, seconded by Mr. Street,
Resolved, That this House will immediately resolve itself into a Committee, to take into consideration the expediency of altering the Tolls now collected on certain articles at Port Burwell Harbour.¹

On motion of MR. WILLSON, the House went into Committee of the Whole, to take into consideration the expediency of altering the tolls on certain articles, at Port Burwell Harbour....[He] explained the object of the resolutions which he meant to submit².

MR. BROWN enquired, on what articles it was intended to increase the tolls?³

MR. WILLSON replied, they were saw-logs, masts, and squared timber.⁴

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The House accordingly resolved itself into the said Committee;

A discussion arose⁵.

MR. BROWN stated that the object was ostensibly to place all articles on an equality; but the present measure went beyond that. He wished to ask, if it were true that the Port Burwell Harbour Company realized seventy per cent. on its capital during the last year; and receiving no answer, stated that there were two objects that were to be kept in view,—the interests of the Company and the interests of the public. It was right that the Company should be well repaid for their outlay; but they had no right to such a tariff as would be injurious to the freeholders and other inhabitants. He trusted the hon. gentleman would explain fully the position of the Company and the changes sought to be made.⁶

MR. BOULTON said, he would render assistance, if it were justly required. He had something to do with the Act of last session. The mover of the bill, last year, wanted to put an export duty on saw-logs, spars, and timber, which had been originally exempted, to prevent those articles being carried to the United States. If a law to that effect were to pass, it would do more harm than members were aware of. Formerly, four dollars an acre was paid for land in the vicinity of Port Burwell; but since the Americans came over and purchased saw-logs, it sold for eight dollars; but levy the proposed tax, and lands would again be down to four dollars. If persons on the Canadian side would not give as much as the Americans, let them go without. The Harbour, he said, was purchased for £1000. Last year 40,000 logs passed through the Harbour, which, at the proposed rate, would yield an income of £2000. When the proposal was before the Legislature last session, a similar high rate was denied; but they cut it down to a half-penny per log. If that were not sufficiently remunerative, he would go any length to make it so; but he would not put on an export duty. He hoped the mover

of the resolutions would so modify them as to meet the wishes of others beside the Company.⁷

MR. SMITH said, if the Government would come down with a duty of half a dollar per thousand feet on boards, for the protection of the manufacturer, it would meet with universal approval.--In consequence of the extensive purchases made by the Americans all the mills in Upper Canada are idle, because their owners cannot get logs to saw. If the duty on logs equalled that on sawed lumber, it would meet the import duty in the United States. When every thing was taken into consideration, he conceived it would be advisable to put on duty which would amount to prohibition. With reference to the measure then before the House, it should be supported to a reasonable extent. Last year it was proposed to levy a duty of one shilling but it had been cut down to a half-penny. He did not know what would be the correct amount; but the Company should have something for their investment.⁸

MR. MURNEY said an exclusive preference had been given to certain individuals, who take logs to their mill in the United States. He wished the Inspector would give his views upon the subject, that he might write to his friends in the section of the country which he represented, as it was giving much uneasiness there just now. He concluded by saying, he hoped that exclusive privileges would be done away with.⁹

MR. DIXON wished to express his views upon the subject. After alluding to the quantity of lumber which a certain number of logs would cut, upon which a duty of six-pence is imposed by law, he said the Americans come in and purchase the logs, upon which they pay a duty of a half-penny each on taking them away; and not only deprive the Company of dues which ought to be levied in proportion to that on lumber, but are stripping the land, and impoverishing the inhabitants. Not only had the Company a right to ask the favourable consideration of the Legislature, but to ask it confident of success. He should also like to know the views of the Inspector General.¹⁰

MR. INSP. GEN. HINCKS thought it rather an inconvenient course to pursue, that of mixing up the export duty, with the levying of tolls in the harbour of Port Burwell. There could not be two opinions in the Committee, as to allowing the Company to levy an export duty; but there could no[t] be objection to allowing them to exact such tolls as are sufficient to pay them for the outlay of the capital they had invested. He was prepared, however, to say, that four-pence is too large a sum to levy on logs, but he would not say that the duty should not be proportionate to that levied on lumber. He observed [the] notice by the member for Hastings, to add to the export duty on saw-logs. There is a stumpage duty on what is cut on public property, but not on what is cut on private property; and he did not believe gentlemen wanted the Government to increase the stump duty on timber; as it would be rather an unpopular step. Then the question to be decided involves a new proposition--whether there should be an increased duty on lumber that was exported. He had heard with surprise, the statement of the member for London, that the country had been impoverished by the sale of logs to the Americans. Now, it had occurred in the county which he represented, and that of Norfolk, that the trade had materially increased the wealth of their inhabitants; and no measure would be more unpopular there, than to levy a duty on the exportation of saw-logs and lumber. The Province had been battling for a long time to get produce introduced into the United States free of duty; and gentlemen were endeavouring to impose a duty on logs, because in the United States they won't levy one. The mill owners, he remarked, say there are no logs, because they go to the United States. It would be absurd to say that more is gained by sawing than by exporting, and gentlemen could only show, that more labour is employed;

still, he considered it more profitable to the community to send the logs to the United States, and that the country was more benefitted by it. It is very seldom, he said, at the present day, to hear export duties vindicated even in countries that were most extreme in their views. Last year an attempt was made to benefit mill owners, at the expense of all that own lands. He was one of the committee to which the subject was referred, and he told the Chairman that the attempt to levy a duty of one shilling would be fatal to the measure, and it so turned out. He did not know whether a half-penny was enough, but he had been told that the Company are realizing fifty per cent. on their capital. It might be right enough to equalize the duties, and for that purpose to reduce that on lumber. There were no facts, however, before the House, and the best course to adopt, would be to refer the Resolution to a Select Committee, which should enquire into the affairs of the Company; and the House would take care that there were no saw mill owners on the Committee. And, however disposed members might be to take into consideration the affairs of the Company, there was no desire to levy an export duty.¹¹

MR. ROBINSON said, almost everything else is mentioned as being subject to duty. Lumber might be piled up on wharves; but rafts of logs and timber are in the way of vessels entering or leaving the harbour. An export duty, however, was not the question before the House.¹²

MR. H. SMITH, of Frontenac, said, the friends of the measure were not asking anything new, the principle being already admitted: as Government double the stumpage duty on articles that are exported to the United States, to be manufactured there. Gentlemen should recollect, that not one log in a thousand is cut on private land. The difficulty was in ascertaining, at the custom-house, on what land timber was cut. If the duty is not sufficient, then the Government should increase it; and nothing would be more popular. It was obligatory ... [of] Parliament to encourage the manufacture of lumber in the country. The remedy, however, lay with Government, which ought to give advantage to home manufacturers.¹³

MR. PRES. EX. COUN. CAMERON thought it unfair to get up an argument in favour of an export duty; to which, he said, he was opposed; nor was he prepared to go for the principle that was involved. The whole, however, was a very simple matter, and the apparent difficulty required to be explained. The parties charge 1s. 3d. on lumber, under their charter--sixpence is what the law allows, and they are not allowed on logs more than a halfpenny each. According to the rate charged under the charter, to equalize the duty, the toll on logs should, it is contended, be fourpence. He would be glad if logs could not be exported, and so no difficulty in equalizing the duties would then be experienced.¹⁴

MR. H. SMITH, of Frontenac, said, that all other companies charge 1s. 3d. on lumber.¹⁵

A few remarks [came] from MR. A. WRIGHT, of East York, who, although a mill owner, said he wished to see all classes protected.¹⁶

[A few remarks came] from MR. MACKENZIE, in opposition to an export duty.¹⁷

MR. STREET [argued] in favour of the proposition of Mr. Willson.¹⁸

MR. MERRITT said, he was in favour of giving encouragement to the exportation of lumber in preference to logs. The fact is, there is a duty on the other side on lumber, and none on logs, and the Americans pay more for them here than the mill-owners will give, and carry them over and saw them, and the effect is, to divert them to the other side. But it is not only on lumber that this practice is pursued, but plaster of Paris, of which there are valuable beds on the Grand River, is subject to a duty of thirty per cent. when prepared. Such is the effect

of our unfortunate position, owing to the existing duties levied in the United States on the productions of Canada, that we are not placed on a par with our neighbours; and every day shows the necessity of taking steps to have the existing state of things altered. The tolls on canals, he said, were neither more nor less than an export duty. He was willing that the Port Burwell Harbour Company should charge more on saw-logs, to an extent that would equal the duty with that on lumber; and he would give every advantage that was possible to the manufactures of Canada. He would limit the Company to a profit of twenty-five per cent. on their capital, to prevent them from exacting too high a rate from the public. As to obtaining tolls, and laying them out on the improvement of the harbour, as had been stated, that is wrong; the expense of doing this should be defrayed from the capital of the company. He would vote for a reference to a select committee, and hoped a higher duty would be imposed on saw-logs.¹⁹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mattice reported, That the Committee had come to a Resolution.²⁰

Ordered, That the Report be received To-morrow.

The Committee rose, and the House agreed to receive the Report to-morrow, for referring the subject to a Select Committee.²¹

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Mr. Polette reported from the General Committee of Elections, the Names of the Members of the new Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, to which they had annexed the Petition referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Joseph H. Jobin, Esquire, the Honorable William Benjamin Robinson, Roderick McDonald, Esquire, John McDougall, Esquire; Chairman, Thomas Clark Street, Esquire.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to extend to Upper Canada the provisions of the two Acts therein mentioned for facilitating the performance of certain duties of Justices of the Peace out of Session.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General, The Blue Book for the year 1851.

The Honorable Mr. Morin also presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly

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to His Excellency the Governor General, dated 23rd ultimo, for all Documents and information respecting the management of the affairs of the Seignior of Lauzon since its acquisition by the Province, to be communicated to this House, together with all rules and regulations adopted by the Executive Government, or the Crown Land Department, in relation to such Seignior, and a detailed Statement of the rents and profits of the same, shewing as well the gross annual revenue thereof, as the persons liable to pay the same, and the amount in arrears from each of them; also, a detailed Account of the several sums actually received, and by and from whom, and of the outlay or expense of management for each year during the above period: And that His Excellency will also be pleased to communicate to this House, copies of all appointments of Agents and Sub-Agents to collect and receive the rents and profits of the said Seignior, or for any other purpose connected with management of the affairs of the same, accompanied by the instructions from

time to time prescribed for such Agents and Sub-Agents, and a Statement of the allowance, salary, emoluments, or pecuniary profits attached to such appointments, under any and what authority; also, a detailed Account of the sums collected and received by each of the aforesaid Agents and Sub-Agents, the sums expended in management by each, the sums retained in conformity with their instructions as the allowance assigned to each of them, and of the sums actually paid over by each to Her Majesty's Receiver General of this Province; and, finally, shewing whether any and what sums remain to be accounted for by any and which of the parties acting under such appointments.

For the said Return, see Appendix (R.R.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 6th ultimo, for a Return of all Officers or Servants appointed to any place or office in or connected with the collection of the Customs Revenue during the last two years, stating to what offices severally appointed, the date of each appointment, the income in each case, and whether such income has been increased or diminished, and by how much; distinguishing all the new offices and places created, and stating by what authority and order each new office has been created, and shewing, where possible, the necessity warranting such increase; and a Return of the public monies expended within the last four years in payment of the expenditure for missions to Washington, Halifax, and London, for purposes connected with Financial or Railway business, or Reciprocity of trade, stating the amounts severally so paid by the Receiver General, and to whom paid.

For the said Return, see Appendix (S.S.)

Return to an Address of the Legislative Assembly, dated 28th September, 1852, to His Excellency the Governor General, for a detailed Statement, in continuation of the Return made to this House on the 3rd February, 1845, of the income of the several Seigniories held or possessed by the Crown in Lower Canada, with the names of the Agents of each Seignior, and the amount of salary and expense paid to Agents for collection, and also the amount of droit de quint received by the Government since the year 1844.

By Command.

Secretary's Office,
Quebec, 11th October, 1852.

A.N. Morin,
Secretary.

[Please see following pages for the Return of Income and Revenue Tables.]

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Return of the Income of the Seigniories possessed by the Crown in Eastern Canada under the superintendence of the Inspector General of Her Majesty's Domain for Lower Canada, since the year 1844, with the names of the Agents of each Seignior, and the amount of salary and expenses paid to Agents for collection.

<i>Seigniories.</i>	<i>Year.</i>	<i>Amount received.</i>			<i>Name of Agent.</i>	<i>Amount of Salary and expenses of Agent.</i>			<i>Remarks.</i>
<i>Censive of Quebec.....</i>	1845	£	s.	d.	Hon. Francis Ward Primrose.	£	s.	d.	<i>The amounts stated under the head of Salary and expenses of Agent are at the rate of Seven pounds ten shillings per cent. upon the sums received, allowed to the Inspector General of the Queen's Domain in lieu of Salary.</i>
.....	1846	970	17	4	.....	72	16	0
.....	1847	889	9	6	.....	66	14	2
.....	1848	1435	9	4	.....	107	13	2
.....	1849	398	12	7	.....	29	17	9
.....	1850	292	8	10	.....	21	18	6
.....	1851	635	1	6	.....	47	12	6
<i>Censive of Three Rivers.....</i>	606	11	0	45	9	9	
.....	From	.....	.....	.....	Do.	.....	.....	.....
.....	1845	There has not	been any re-	ceipts from	.....	There has	not been in-	curring any
.....	1851	to	this Censive	during this	.....	charge for	collection.	.....
.....	both	period.....	
.....	in-	
.....	clusive	

*Quebec, 9th October, 1852.**(E.E.)**F.W. Primrose, I.G.D.R.*

Return:--Amount of the droit de quint received by Her Majesty's Government since the year 1844.

<i>Year.</i>	<i>Amount of Droit de Quint.</i>			<i>Year.</i>	<i>Amount of Droit de Quint.</i>		
1845	£	s.	d.	1849	£	s.	d.
1846	3470	13	8	1850	474	16	8
1847	165	14	8	1851	819	17	9
1848	2	3	0		none.		
	506	13	4				

*Quebec, 9th October, 1852.**(E.E.)**F.W. Primrose, I.G.D.R.*

RETURN of the Income derived from the Jesuits' Estates for the year ending 31st December, 1851, together with the names of the Agents of each Seigniory, Fief and Roture, their Commission for collections and expenses incurred.

Name of Agent.	Seigniory, &c.	Gross Receipts.	Agents' expenses including their Commission.	Nett Receipts.	Remarks.
The Honble. Louis Panet.....	Seigniory of Sillery.	£ s. d. 1446 15 1	£ s. d.	£ s. d.	
	Seigniory of St. Gabriel.....	114 13 1			
	Seigniory of Notre Dame des Anges.....	646 19 4	222 12 11	2232 2 10	
	Seigniory of Belair..	5 9 7			
	Estates in the City of Quebec.....	236 2 5			
Louis Guillet, jun., Esq.....	Estates in the Seigniory of Lauzon...	4 16 3			
	Seigniory of Batiscan.....	433 13 6½			
	Seigniory of Cap de la Magdeleine.....	345 7 5	65 2 11	747 0 2	
	Fief Côteau St. Louis.....	22 1 11			
	Fief and Banlieue of Three Rivers....	11 0 2½			
Jean Bte. Varin, Esq.....	Seigniory of Laprairie.....	1058 7 5	112 19 3	945 8 2	
Expenses incurred by Crown Lands Department.....				3924 11 2	
Balance Nett Receipts.....				100 15 0	This sum is composed of a proportion of Salaries and Disbursements.
				3823 16 2	

John Rolph,

Commissioner of Crown Lands.

Crown Lands Department,
Quebec, 12th October, 1851.

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Return of the Revenue of the Jesuits' Estates for the last seven years, ending 31st December, 1851.

<i>Period.</i>	<i>Gross Receipts.</i>	<i>Expenses comprising Agents' Commission and Disbursements, Salary, &c. of late Commissioner of Jesuits' Estates, and expenses by Crown Lands Office.</i>	<i>Nett Receipts.</i>	<i>Remarks.</i>
	£ s. d.	£ s. d.	£ s. d.	
1845	4569 10 9	1175 7 6	3394 3 3	In the expenditure of this year, is included £406 4s. 9d. expenses of the Office of the late Commissioner of the Jesuits' Estates, who was allowed £336 per annum, for salaries, viz.: £200 for himself, £100 for a Clerk, and £36 for a Messenger.
1846	4904 6 11	1995 17 2	2908 9 9	This year's expenditure includes £385 11s. 5d., amount of expenses of the Office of the late Commissioner of the Jesuits' Estates; £163 10s. 9d. repairs to Charlesbourg Mill, and £250 paid to Mr. Varin, for Papier Terrier of Laprairie.
1847	4723 18 7	1158 18 2	3565 0 5	In this year's expenditure is included £70 for repairs to Charlesbourg and Lorette Mills; £102 17s. for Survey, Deeds and Censier in Cap de la Magdeleine; £131 2s. 6d. expenses of the Office of the late Commissioner of Jesuits' Estates, up to 1st of May, and £285 14s. 11d. disbursements by Crown Lands Office, including Salary,--and £178 15s. 5d. for Survey.

Period.	Gross Receipts.	Expenses comprising Agents' Commission and Disbursements, Salary, &c. of late Commissioner of Jesuits' Estates, and expenses by Crown Lands Office.	Nett Receipts.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	
1848	4105 9 7½	684 1 10½	3421 7 9	<p>This year's expenditure includes £192 15s. 1d. Crown Lands Office disbursements, salary, &c.; £181 14s. 6d. for repairs to Charlesbourg and L'Ancienne Lorette Mills, and for Survey of line between Notre Dame des Anges and Beauport. The receipts from the Estates in the District of Three Rivers amounted only to £214 3s. 6d. There is a Suit pending against L.E. Dubord, to make him account for his Agency from November, 1847, to May, 1848.</p>
1849	4220 2 11	801 6 5	3418 16 6	<p>This year's expenditure includes £80 damages and amount of purchase of land for Charlesbourg Mill, £38 Law Costs, £102 3s. expenses of Survey and gross repairs to Mills in the District of Three Rivers, and £152 6s. Crown Lands Office disbursements, &c. Beginning at this year, the Agents' Commission on receipts from all properties under lease, was reduced to five per cent. on the first £500, and two and a half per cent. on all sums above that amount. Their Commission of ten per cent. on all other collections remaining the same.</p>

Period.	Gross Receipts.	Expenses comprising Agents' Commission and Disbursements, Salary, &c. of late Commissioner of Jesuits' Estates, and expenses by Crown Lands Office.	Nett Receipts.	Remarks.
1850	£ s. d. 5865 3 2	£ s. d. 831 18 3	£ s. d. 5033 4 11	This year's expenditure includes the payment of £198 4s. 10d. for professional services due to the Estate of the late Honorable A.W. Cochran, under the administration of the late Commissioner of the Jesuits' Estates, and £152 13s. 6d. Salary and disbursements by the Crown Lands Department. The expenses of this year includes £100 15s. proportion of Salary and Disbursements by the Crown Lands Office.
1851	4325 6 3	501 10 1	3823 16 2	
Average, per annum.	£ 32713 18 2½	7148 19 5½	25564 18 9	
	£4673 8 3¾	1021 5 7½	3652 2 8¼	

Crown Lands Department,
Quebec, 12th October, 1852.

John Rolph,
Commissioner Crown Lands.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 30th September, 1852, for a Return of the present balance of the Cullers' Fund, and a Statement of the gross receipts and expenses of the Department, and the amounts invested in each year since 1847.

By Command.

A.N. Morin, Secretary.

Secretary's Office,
Quebec, 11th October, 1852.

Quebec, October 6, 1852.

Sir,--I have the honor to acknowledge your letter of the 1st instant, requesting for a "Return" to be laid before the Legislature, "of the present balance of Cullers Fund, and a Statement of the gross receipts and expenses of the Department, and the amounts invested in each year since 1847."

In reply thereto I have to state, that by the 19th Clause of Provincial Act 8 Vic. cap. 49, the Supervisor is bound to furnish each year a full Statement of his receipts and disbursements for the use of the Legislature, and that in accordance therewith I furnished annually, through your Department, the Return required. Those Returns give the whole of the information desired with reference to receipts and disbursements, and it is not within my power to render additional information on this head. I attach, however, a Statement embracing the gross

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receipts and disbursements since 1847.

As respects the information in relation to amount invested yearly and existing balance, I beg to say, that in February, 1847, I transmitted to the Receiver General, in accordance with the Secretary's letter of that date, not as an Investment but as a Deposit, the sum of Four thousand seven hundred and fifty pounds (£4,750), being the surplus of Funds (or nearly so) up to that period, and which had arisen on the Office transactions of years 1844, 1845, and 1846.

That in April, 1847, the Governor in Council reduced the Tariff of Fees for measuring and culling, which reduction applied to the Office proportion of the Fees; and the result has been, that no surplus of funds, to any extent has been subsequently engendered; on the contrary, that in April, 1850, I was obliged to draw upon the Receiver General for Two hundred pounds, against the £4,750 previously deposited, to meet current expenses of the Office.

The balance on hand to the year ending 31st December, 1851, as per Returns rendered, was £798 1s. 6d. With reference to 1852, it is not within my power to state till the yearly Returns be completed.

I have the honor to remain, Sir,

Your obedient humble Servant,

John Sharples,
Supervisor.

Honorable A.N. Morin,
Provincial Secretary, Quebec.

Return of the Gross Receipts and Disbursements of the Supervisor of Cullers' Office, for each year respectively since 1847 (inclusive).

Year.	Gross Receipts.			Gross Disbursements.		
	£	s.	d.	£	s.	d.
1847	11642	8	8	11546	15	11
1848	8720	15	1	9029	6	3
1849	8318	11	6	8360	9	0
1850	9942	0	2	9849	14	7
1851	10386	1	11	10106	1	10
Balance.....	.....			117	9	9
	£	49009	17 4	49009	17	4
Balance arising on the above five years	.....£			117	9	9

Supervisor of Cullers' Office,
Quebec, 6th October, 1852.

John Sharples,
Supervisor.

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Statement shewing the present balance of the Cullers' Fund, and the Gross Receipt and Expenses of the Superintendent of Cullers' Department, in each year since 1847, and the amount invested.

Year.	Gross Receipts.			Gross Expenses of the Department.			Remarks.			
	£	s.	d.	£	s.	d.		£	s.	d.
1847	11642	8	8	11546	15	11	The Balance on hand at close of 1846, was.....	5230	11	9
1848	8720	15	1	9029	6	3	Paid Receiver General, for Investment.....	4750	0	0
1849	8318	11	6	8360	9	0	Leaving to next Account.....£	480	17	0
1850	9942	0	2	9849	14	7	In 1850, there was paid to Superintendent of Cullers, by Warrant on the Receiver General, to make up deficiencies of preceding years.....	200	0	0
1851	10386	1	11	10106	1	10	Excess of Receipts over Expenditure, to 31st December, 1851.....	117	9	9
Totals.£	49009	17	4	48892	7	7				
Ex-penses.	48892	7	7							
Gross Re-ceipts.£	117	9	9				Balance in hands of Superintendent of Cullers, on 31st December, 1851.....£	798	1	0
Invested in Government Debentures, at 6 per cent.....£								4750	0	0
Interest thereon, from 20th March to 31st December, 1847.....								222	16	0
do for the year 1848.....								285	0	0
do for do 1849.....								285	0	0
do for do 1850.....								285	0	0
do for do 1851.....								285	0	0
Total Interest, up to 31st December, 1851.....£								1362	16	0
Less—Paid to Superintendent of Cullers in 1850, to make up deficiency of Fund.....								200	0	0
Balance at Credit of the Fund.....£								1162	16	0

Inspector General's Office,
Quebec, 9th October, 1852.

Jos. Cary,
Dep. Insp. Gen.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 27th ultimo, for a Statement of the amount now due and payable out of the Consolidated Fund towards the Sinking Fund chargeable on the Consolidated Revenue Fund of this Province, under the Provincial Statute 6 Vic.

cap. 8, or of any other Statute relating thereto, together with a Statement of the manner in which such Sinking Fund has been disposed of, the nature of the Securities in which it has been invested, and the dates of such investment, together with a detailed Statement shewing how and where, and in what places, the balance of £247,184 7s. 10d. remaining on hand on the 31st January, 1852, was then and is now deposited, whether at interest and at what rate of interest, and for what period it is deposited; also, a similar detailed Statement of the disposition of the balances of the Clergy Reserve Fund, Grammar School Fund,

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Indian Fund, and Jesuits' Estates Fund, up to the same period.

By Command.

Secretary's Office,

Quebec, 11th October, 1852.

A.N. Morin, Secretary.

A Statement of the amount now due and payable out of the Consolidated Fund, towards the Sinking Fund, chargeable on the Consolidated Revenue Fund of this Province under the Provincial Statute 6 Vic. cap. 8, or of any other Statute relating thereto; together with a Statement of the manner in which such Sinking Fund has been disposed of, the nature of the Securities in which it has been invested, and the dates of such investment.

	£	s.	d.
For Amount of the Receiver General's Draft for £44,000 Sterling, transmitted to the Bank of England in December, 1844, as also the Gain and Dividends accruing thereon, (the same being invested in 3 per cent. Consols,) say up to 5th April, 1851, Sterling.....	54660	10	3
For £60,000 remitted for Investment on account of Sinking Fund for 1849, in July, 1851, the same producing (of 3 per cent. Consols).....	62337	13	3
For $\frac{1}{2}$ Year's Dividends on £54,660 10s. 3d. with Gain on investing same in 3 per cent. Consols, say to 5th October, 1851.....	846	7	0
For 12 Months' Dividends accruing on £40,000, Montreal Harbour Debentures, to 1st January, 1852, with Gain on Investments in 3 per cent. Consols.....	2039	10	4
For $\frac{1}{2}$ Year's Dividends and Gain on £119,884 0s. 10d. to 5th April, 1852, in do.....	1809	11	5
For 6 Months' Dividends on Montreal Harbour Debentures, say £40,000, less loss on investing same to July, 1852, in do.....	988	17	6
For transmitted to Bank of England, 10th July, 1852, on account of Sinking Fund, 1850, the Receiver General's Draft for this Amount for Investment, the receipt of which is acknowledged per letter of 27th July last.....	60000	0	0
Total invested, Sterling.....£	182682	9	9
Currency.....£	222263	13	10

The amount now due and payable out of the Consolidated Fund (towards the Sinking Fund) and chargeable thereto, is £77,000, Currency, which will be seen on reference to Public Accounts, 1851, Statement No. 1, the amount being there stated to be £150,000, from which deduct the Currency of £60,000, Sterling (say £73,000, Currency,) transmitted as above on account of 1850.

Inspector General's Office,
Quebec, 30th September, 1852.

Jos. Cary,
Dep. Insp. Gen.

Statement shewing how and in what places the balance, £247,184 7s. 10d., remaining on hand on 31st January, 1852, was then and is now deposited; also, a similar Statement of the disposition of the balances of the "Clergy Reserve Fund," "Grammar School Fund," "Indian Fund," and "Jesuits' Estate Fund," up to the same period,--in accordance with a Resolution of the Legislative Assembly, of Monday, 27th September, 1852.

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The above balances,
as on 31st January, 1852.

Explanations and Remarks.

Consolidated Fund,
£407,400 11s. 10 $\frac{1}{2}$ d.....

The Balance £247,184 7s. 10d. currency, as stated in the Address, is erroneous: that amount being the balance on hand 31st January, 1851, not 1852. The correct amount, as stated in the margin, was on 31st January, 1852, placed as follows:--

	Without Interest.			With Interest 3 p. c.		
Baring, Brothers & Co.,						
London.....	£38123	16	3	£ 0	0	0
Glyn, Mills & Co.....	23689	6	5	0	0	0
Bosquet & Co.....	65	18	2	0	0	0
Bank of England.....	243	6	0	0	0	0
Chartered Banks in Canada.....	115419	11	6	229858	13	0
Currency.....	£177541	18	4	229858	13	0

Grammar School Fund,
£4,119, 17s. 8d.....

This sum was and is held by the Bank of Upper Canada in deposit at Interest of 3 per cent. per annum, until such time as an advantageous Investment offers.

Indian Fund,
£18,503 17s. 4d.....

This sum was in deposit in the various Chartered Banks, at interest of 2 $\frac{1}{2}$ and 3 per cent. per annum, up to 20th March, 1852, when, by Command of His Excellency the Governor General, £9,250 was invested in Provincial Debentures, bearing 6 per cent. per annum, at par; and the balance remains at interest as above, liable to calls for service of the Department. Such portions of Indian Funds as are not required for current service, are invested under directions of the Honorable Colonel Bruce, Superintendent General, twice a year, and the balances remain in the Chartered Banks at interest.

Jesuits' Estate Fund,
£4,737 4s. 10d.....

This sum was and is in deposit in the Bank of Upper

The above balances,
as on 31st January, 1852.

Explanations and Remarks.

Clergy Reserve Fund,
£79,938 2s. 2d.....

Canada, without interest, it being subject to daily calls, and not intended to be invested.

This amount is in part still in deposit in the Bank of Upper Canada, at interest 3 per cent. per annum. Since 1st July last, £40,000 sterling, "Montreal Harbour Bonds," bearing 5 per cent. per annum, payable in London, has been appropriated towards this Fund. Also, £23,000 sterling, 5 per cent. Provincial Debentures, purchased in London, and originally intended for the "Sinking Fund," has also been appropriated as an Investment on account of this Fund.

R.G.O., October, 1852.

On motion of Mr. Turcotte, seconded by Mr. Polette,

MR. TURCOTTE a demandé copie des transactions relatives à la vente du Fief St. Etienne. Il est à espérer que le gouvernement obtiendra de nouveau la possession de ce fief, et concédera les terres aux habitants, aux taux ordinaires. La partie Nord du District des Trois-Rivières est grandement intéressée à ce que le gouvernement prenne des mesures à ce sujet.²²

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, copies of all the transactions, sales or contracts which may have taken place between the Executive Government and private individuals or companies, connected with the alienation of the St. Maurice Forges, and of the Fiefs of St. Maurice and St. Etienne; as also, of all claims, propositions or representations made to Government since the said alienation, by the present owner of the said properties, or by other parties; of the decision of the Government thereupon, and of all Returns and Reports made to Government respecting these properties or the claims above mentioned.

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Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That five hundred copies of the Return relative to Lands alienated from the Crown without valuable consideration, which was presented upon Friday last, be printed for the use of the Members of this House.

On motion of Mr. Boulton, seconded by Mr. Street,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Statement shewing the amount received annually from the various Municipalities in Upper Canada, towards the maintenance, erection, and support of the Lunatic Asylum, under the Act authorizing a Tax for that purpose, until the formation of the Upper Canada Building Fund, and from the formation of such Fund to the 1st July

last, with a detailed Statement of the expenditure of all monies under either of the above Acts, the amount of money borrowed upon the security of the said Funds, and the sums remaining due and unpaid by the different Municipalities on account of the said Fund or either of them.

MR. BOULTON moved an address to His Excellency, for a statement, relative to the monies paid or still due, by the various Municipalities in Upper Canada, for the erection and support of the Lunatic Asylum at Toronto.²³

MR. INSP. GEN. HINCKS said, if the object of the member for Toronto, was to compel his constituents to pay up their arrears, they would understand it.²⁴

MR. BOULTON replied, that the people of Toronto had supported the poor for years. They were not required at first to pay for the support of the Lunatic Asylum; but since a tax was imposed it had been regularly paid up.²⁵

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Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

*Ordered, That the Honorable Mr. Robinson have leave to bring in a Bill to provide for the construction of a Ship Canal to connect the waters of Lakes Huron and Superior.*²⁶

MR. ROBINSON moved for leave to introduce a bill, to provide for the construction of a Ship Canal to connect the waters of Lakes Huron and Superior. Having failed, he said, in the bill which he had already brought in on this subject, he had been urged to introduce another, in the hope that it would be more successful. The object of the present bill is to form a company of not less than twenty persons, who should be empowered to construct a canal, to be built in such a manner as should be approved of by the Government, and which must be surrendered by the company whenever they should be required to do so. Notwithstanding the large grant of land recently made by the American Government in aid of such an undertaking, there were a number of Americans who are desirous that power should be given to persons on both sides of the line, to construct a canal on the British side. The object was not to interfere with the government, and he still hoped they would take up the subject.²⁷

MR. INSP. GEN. HINCKS was surprised at the course pursued by the hon. member for Simcoe. He thought the opinion of the House had been most decidedly expressed on two different occasions already, and the same object is again proposed, that of encouraging private speculators to engage in the enterprise. It should be recollected what the Province had had to pay for the Welland Canal; and the Government should not be forced to adopt any measure until they were fully prepared. It is all foreign capital that is intended to be invested in the undertaking; and he would resist any proposition for placing this great work in the hands of a private company.²⁸

MR. BOULTON said, in seconding the motion, he did not wish to adopt a course, of which the Government disapproved. But the House ought to understand what was the nature and object of this Bill. What difference was there, he would ask, between allowing private parties to construct a great line of communication from one end of the Province to the other, and permitting a private company to construct a ship canal to connect Lake Superior with Lake Huron? Gentlemen from Lower Canada might not feel disposed to pledge the funds of the Province towards the undertaking; he could comprehend that, and in that way could understand why the sense of the House was adverse to the measure. But instead of building up a rival city on the other side, they should encourage a measure that would have

that effect on the British.

He was proceeding with his remarks, when --29

MR. INSP. GEN. HINCKS intimated that he did not oppose the first reading of the Bill, which then took place³⁰.

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He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday the twenty-first instant.

On motion of MR. ROBINSON, the second reading was put down for Thursday week.³¹

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*On motion of Mr. Street, seconded by Mr. Ridout,
Ordered, That the 64th and 66th Rules of this House be suspended, as regards the Petition of the President, Directors, and Company of the Erie and Ontario Railroad.*

*On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Cameron,
Ordered, That the 74th Rule of this House be suspended, as regards the Bill to incorporate the Grand Trunk Railway Company of Canada.*

*On motion of Mr. Fournier, seconded by Mr. Gouin,
Ordered, That it be an Instruction to the Select Committee appointed to enquire into certain matters relative to the Magdalen Islands, to make similar enquiry concerning the western part of this Province above Lake Huron.*

*On motion of Mr. Stuart, seconded by Mr. Egan,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, copies of any appointments made between the month of December, 1849, when the 12 Vic. cap. 37, came into force and effect, and the 30th of August, 1851, when the 15th Section of that Act was repealed by the 14 & 15 Vic. cap. 88, under the hand and seal of the Governor of this Province, of persons to sit as ad hoc Judges in the Court of Queen's Bench, in the place and stead of Judges lawfully recused or disqualified, or rendered incompetent, either by reason of interest or otherwise, to sit in the said Court in any Cause cognizable thereby, or absent from the Province, for the purpose of hearing and determining such Cause, and of*

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doing such judicial acts therein as might be required before or after the determination thereof, whether such persons were taken from among the Judges of the Superior Court or the Circuit Judges, or from among the Members of the Bar of Lower Canada; with a list of the persons who sat in the said Court of Queen's Bench under such appointments, and the occasions on which they so sat; also, a list of the persons who refused or omitted to sit under any appointments so made, and the reasons assigned for their having done so, and copies of any Correspondence with the Executive Government on the subject; also, a Statement of the Causes in which it has become necessary, since the 30th of August, 1851, to complete the number of Judges of the said Court of Queen's Bench from the Judges of the Superior Court, under the provisions contained in the last mentioned Statute, with a list of the Judges of the Superior Court selected to act as ad hoc Judges of the Court of Queen's Bench, the Causes in which they were required, and the occasions on which they so sat; and generally all information respecting the mode in which the Chief Justice of the Superior Court communicates with the other Judges of his Court, and arranges with them what Judge or Judges shall so act as an ad hoc Judge or as ad hoc Judges of the Court of Queen[']s Bench in the Cause or Causes in which they are required, and any Correspondence or information shewing why the duty imposed upon

the Chief Justice and Judges of the Superior Court, under the 14 & 15 Vic. cap. 88, has been so distributed, that in some instances two Members of the Superior Court in the degree of relationship of brothers, should be made to act as ad hoc Judges of the Court of Queen's Bench in the same Cause, whilst the Chief Justice and the Senior Judges of the Superior Court have in no one instance been selected for the performance of the duties required by the last mentioned Statute.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Crawford have leave to bring in a Bill to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Mr. Stuart moved, seconded by Mr. Patrick, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that he will be pleased to cause to be laid before this House, any Despatches which may have been received from the Principal Secretary of State for the Colonies, communicating the views of Her Majesty's Government in reference to the composition of the Legislative Council of this Province, and the substitution of other provisions in the place of those contained in the Act establishing the existing Government of Canada, and all other documents and information on the same subject; and further praying that His Excellency will be pleased to inform this House, whether it be the intention of Her Majesty's Government to summon any other persons to the said Legislative Council;³²

MR. STUART moved an address to His Excellency for copies of any correspondence with the Imperial Government on the subject of remodelling the Legislative Council; and, also, for information as to whether it was the intention of His Excellency to make any new appointments during the present session. He made this motion in consequence of the introduction by the Government of resolutions for the purpose of making a very important change in the constitution of the Council. He thought the subject should not be considered or entertained without some communication ... [having] been had with the Imperial Government in relation to it, as it is known that no change can be made without the Imperial sanction. He took it for granted that there were some dispatches on the subject in the hands of the Government; if there were not, there should be; as they had had it under consideration for six or seven months; and as a knowledge of the sentiments of the Imperial Government would facilitate an arrangement. It was known that a set of resolutions had been introduced into the Council which amounted in fact to an act of political suicide, and he should like to know what course the Government intended to pursue, whether they intended to move a series of resolutions in the Council similar to those which had been moved in the House, for the purpose of making a joint address to Her Majesty.³³

MR. INSP. GEN. HINCKS said that there were no despatches such as the hon. member applied for. There had been no communication between the Imperial and Colonial Governments on the subject of reconstituting the Council; and, whatever the hon. member might think, he was of opinion that the Cabinet had taken the proper course in bringing the subject before the Canadian Parliament and public, without previous consultation with the Imperial Government. He took it that the Government of this Colony should follow its own counsel, and not be guided by any views that may prevail in England. Of course, if the decision of the Canadian

Parliament should be that it is expedient to have a change in the constitution of the Council, it cannot but be with the consent, and by an act of the Imperial Government. It is perfectly obvious that if the Government had arrived at the conclusion that it was expedient to make a change, and they made a communication to that effect to the Imperial Government, and in answer they received a strong opinion from that Government, that opinion would be brought to bear on the consideration of the question in this country. For that reason he thought it would have been unadvisable to follow the course suggested by the hon. member. The House will, at present, come to the consideration of the question quite unbiassed; and determine on what is best for the interests of the country freely and without prejudice. As to the other portion of the address, he must say that it was a somewhat unusual course to request by address that His Excellency would state what were his intentions. The hon. gentleman would be able to obtain the information he desired by putting direct questions to ministers in their places.³⁴

SIR A. MACNAB hoped the hon. member would persist in his motion. Why was this branch of the Legislature to be swept from the constitution? Would the government say at once it was because they had reduced them to a state of public contempt? He wanted to know what had taken place in reference to these changes, which were to sweep off one entire branch of the Legislature.³⁵ He should like to see the fact recorded on the journals, that the Government had assumed the responsibility of expunging from the constitution, without any communication with the Imperial Government. The hon. gentleman appeared to fear that if a correspondence were opened with the Imperial Government, an opinion might be expressed which would prejudice the minds of the public here; but he was not afraid of that opinion; and he thought[t] it might be of some benefit to the gentlemen who had concocted a scheme that was the ridicule of the whole country. If the members of the Government wished to assume the entire responsibility of effecting a change in the Council, he would let them have it; but he, for one, was not yet prepared to apply the elective principle to that body.³⁶

MR. STUART could not perceive what embarrassment would be caused by communicating with the Imperial Government. The Inspector General had himself shown a precedent for the course he recommended, with respect to the Clergy Reserves, and he thought there would have been great propriety, in pursuing it with reference to this most important subject. With respect to the other part of the motion: he felt that he was justified in proposing it, as it was publicly stated that several gentlemen were to be appointed to the Council during the present session.³⁷

MR. CAUCHON asked for information. He understood the Inspector General to say that there were no despatches from the Imperial Government.³⁸

MR. INSP. GEN. HINCKS.--None.³⁹

MR. CAUCHON.--Then it would be useless to vote for the address.⁴⁰

MR. J.A. MACDONALD (Kingston) regretted that this subject had not been brought to the notice of the Imperial Government. He admitted the right of the Provincial Parliament to legislate on all subjects within the scope of the constitution, without any reference to the Imperial Government; but this is a very different question⁴¹. [He] contended that the resolutions of Mr. Morin irrevocably bound the ministry to the principle of an elective Legislative Council⁴²; the Colonial Government ... cannot get out or back out of that committal; and yet they know that the Imperial Parliament refused to recognize the elective principle as applied to the Upper House of New Zealand. That occurred only four months ago; and this Government now seeks to bring the colony into collision with the mother country on that very point. What is the position, then, that they place us in?⁴³ After

the vote the Imperial Government and Parliament would not consent to an elective Upper House in Canada. Hon. gentlemen opposite knew that, and yet they had wantonly brought forward their resolutions to come into collision with the Imperial Government.⁴⁴ It is not long since the Inspector General himself said that "the most lamentable consequences" would arise from a mere difference of opinion between the Imperial and Colonial Governments; and when we find that where there is a declared difference of opinion, he wanted to place the colony in a position where there must necessarily be a collision, and nothing else.⁴⁵

MR. BOULTON did not concur in the opinions of the member for Kingston.⁴⁶ Besides⁴⁷, he did not care what the opinions of the Imperial Government might be if the Parliament of Canada and the people of Canada are in favour of an elective Legislative Council.⁴⁸ It was enough that this province desired it, for him to vote for it. With respect to the ministry not bringing their resolutions to a vote this session, he was determined that they should come to a vote upon them.⁴⁹ Admitting that Britain had refused to give the petty colony of New Zealand an elective Council, that was no reason why she should refuse it to Canada; in fact she had already granted elective Councils to the Cape of Good Hope and Australia. When the Representatives of the people of Canada are sent to Parliament to provide an efficient check on the legislation of the House of Assembly, it was their duty to carry out those views faithfully, and he, for one, should not care what were the views of the people of England; and he would say further, that if the legislature of this country passed a strong set of resolutions on the subject, no English statesman would dare to advise their rejection.⁵⁰

MR. MACKENZIE⁵¹ without expressing an opinion, either one way or another on the principle of an elective council declared the speech of the hon. member for Kingston most absurd. Had not⁵² the Imperial Government ... notified the people of Nova Scotia and New Brunswick that if they wished to have elective Legislative Councils they could have them⁵³ [and] that they would not object⁵⁴; if that were the case, there could be no reason to suppose that it would be refused to the people of this country. But, irrespective of that, did the hon. member for Kingston mean to say that when he came to Parliament to represent the views of his constituents, that he could not take a step without first going to London to ask the opinions of Lord Derby? If so, a very comfortable exponent of public opinion the hon. gentleman would be.⁵⁵ He [also] ridiculed the opinion of Sir Allan McNab, that we should go to England, before we could express an opinion on an elective Council.⁵⁶ He had no fears himself as to any collision with England on this subject, for Lord Derby and also D'Israeli, if they remained in office, would be compelled to go with the current of the times.⁵⁷

MR. SOL. GEN. CHAUVEAU took exception to the form of the motion which he contended was improper. He defended the course of the government in not carrying forward pledged to the details of any measure. Had they done so they would not have acted in a respectful manner towards the House.⁵⁸

A long ... discussion followed relative to the appointments made by the late ministry to the Council in 1849.⁵⁹

MR. AT. GEN. DRUMMOND indignantly ... [declared] that the late ministry had been actuated by corrupt notions in their appointments to the Upper House. The unpardonable crime of the late ministry had been the introduction of reformers with the legislative Council. He contended that if the Council were degraded it has been in former times by filling it with men opposed to every reform. He defended the present Council and argued that it was filled with men, and had ever been supported by the present ministry. He admitted however that it was desirable

that the Council should be made elective, and upon that principle the Government were all agreed but they were not agreed upon the details of a measure.⁶⁰

MR. ROBINSON made a few remarks which were inaudible in the reporter's gallery.⁶¹

SIR A. MACNAB made some remarks in reply to the debate, and said a case had not been made out in favour of an elective council. He believed the best part of the province was opposed to it⁶², et il ne put s'empêcher de revenir à l'époque malheureuse de la passation de l'acte d'indemnité que suivit l'incendie du parlement en 1849; il n'hésita pas à attribuer le discrédit dans lequel était ou paraissait tombé le conseil législatif, au rôle que, disait-il, on lui avait fait jouer lors de la passation de la mesure en question.⁶³

MR. INSP. GEN. HINCKS, after some remarks upon the Legislative Council of Upper Canada, said that in the present Council there were 18 members who would oppose the present ministry on a vote of confidence. He deemed that the additions which were made to the Council by the late Government were made with any reference to a bill which had been frequently alluded to; and he further solemnly declared that he (Mr. H.) did not believe that the bill would cause any discussion at all, up to the time that it was fiercely debated in the House. He defended the appointments of the late ministry, and read some of the measures contending that they were the fittest men who could be appointed at that period. He denied that any blank mandamuses had come out, and asserted that the appointments were made in the ordinary way. He continued to reply generally to the debate, and hoped the hon. member would withdraw his motion.⁶⁴

SIR A. MACNAB did not deny the personal respectability of the gentlemen appointed by the late government; but he found fault with the introduction of ... [so] large a number of members to the Council at the time that a certain measure was creating great excitement. The introduction of so large a number in a body so small destroyed its independence.⁶⁵

MR. PAPINEAU contended that the Inspector General had adopted a most unparliamentary and improper course in having one by one the gentlemen who had been appointed to the Council. To press their eulogium was the easiest part of the task; but, it would be more difficult to criticise them. He, however, had no personal objections to the gentlemen, and believed they had done their duties. But the Council was an independent part of the legislature, and ought not to be criticised or called in question in that House, either collectively or individually. He reiterated his assertion of the previous evening respecting the appointments of the last ministry to the Council; and said that it was stated on the hustings in Lower Canada, that such measures would be passed through the Council. Every body knew it. It was told at the corners of the streets.⁶⁶ M. Papineau se joignit à Sir Allan McNab, et encore une fois reprocha amèrement au ministère de 1849 de n'avoir fait passer le bill d'indemnité qu'au moyen d'une majorité de conseillers législatif [sic], nommés d'avance exprès pour l'occasion.⁶⁷ He remarked at length upon the conduct of the government in relation to their conduct on the rebellion losses bill, as being most rough & independent, and calculated to provoke excitement. He contended that the present Council was a nullity.⁶⁸

MR. INSP. GEN. HINCKS fut encore obligé de nier cette assertion, et d'affirmer, avec tout le ton de la conviction, qu'à l'époque de la nomination des conseillers en 1849, le gouvernement n'avait pas le plus léger soupçon qu'il pût y avoir une opposition violente à la mesure d'indemnité qu'il s'agissait de présenter.⁶⁹

MR. PAPINEAU continued to speak, on the position of the ministry in relation to the resolutions which he condemned.⁷⁰

MR. INSP. GEN. HINCKS thought it best to take that opportunity to explain the views of the Government with respect to their resolutions. They would put the first resolution and if the principle of election were [sic] affirmed, they would have no objection to yield some points of the resolutions for the purpose of going on with them. These points had reference to the duration of the proposed council, and the numbers of members. But they had made up their minds in favour of the power of dissolution of it and that they would not yield. If the House objected to that then the resolutions would not be gone on with this session. They had also made up their minds in favour of a qualification for candidates.⁷¹ M. Hincks, en répondant aux accusations portées contre l'ex-ministère, fit une déclaration qui, ce semble, aurait dû couper court à toute discussion, c'est que les conseillers législatifs nommés par eux étaient tous des hommes jouissant de la confiance de leurs concitoyens; et qu'aucune correspondance n'avait eu lieu entr'eux et le gouvernement, préalablement à leur nomination.⁷²

Some further conversation [ensued]⁷³.

The question being taken on the motion, it was rejected.⁷⁴

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the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Burnham, Clapham, Dixon, LeBoutillier, Macdonald of KINGSTON, Malloch, Marchildon, Murney, Papineau, Robinson, Shaw, Stevenson, Street, Stuart, Valois, Viger, and Willson.--(19.)

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NAYS.

Messieurs Cauchon, Chabot, Solicitor General Chauveau, Christie of WENTWORTH, Dumoulin, Fergusson, Fournier, Gouin, Hartman, Hincks, Langton, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mackenzie, Mattice, Mongenais, Morin, Patrick, Polette, Poulin, Smith of DURHAM, Tessier, Turcotte, and Wright of East Riding of YORK.--(26.)

So it passed in the Negative.⁷⁵

On motion of Mr. Stuart, seconded by Mr. Boulton,
Ordered, That the 70th Rule of this House be suspended, as regards the Bill to incorporate the Quebec Temperance Hall Association.

Ordered, That Mr. Laurin have leave to bring in a Bill to amend the Act to regulate the Election of Members to represent the People of this Province in the Legislative Assembly.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Sixteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of Thomas Renwick and others, of the Township of Romey, for the separation of that Township from East Tilbury, and are satisfied that sufficient Notice has been given.

Ordered, That Mr. Brown have leave to bring in a Bill to separate the Township of Romey from the Township of East Tilbury, and to erect the said Townships into independent Corporations.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

Ordered, That the Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Chabot, seconded by Mr. Turcotte,
The House adjourned.76

[NOTICE OF ADDRESS RE: HURON COUNTY CROWN LANDS.]

MR. BOULTON [gave notice that he would move an] Address to His Excellency, for copies of certain Correspondence on the subject of Local Improvements, and relative to the reduction of Crown Lands, in the County of Huron; and also for a Statement relative to the Fund formed for Roads or other purposes, by the appropriation of 4s 6d per acre on Crown Lands.⁷⁷

[NOTICE OF QUESTION RE: CONSTRUCTION OF THE MONTREAL COURT HOUSE.]

MR. BOULTON [a donné avis que] mercredi prochain, [il] demandera à l'administration pourquoi la construction du palais de justice de Montréal n'est pas poussée vigoureusement; si le délai qui a eu lieu a été occasionné par le gouvernement, les commissaires des travaux publics, les entrepreneurs, ou autres parties, ou autres circonstances fortuites, pourquoi ce délai a eu lieu et à quelle époque l'on croit qu'il pourra être occupé par les différentes cours de loi.⁷⁸

[WITHDRAWN MOTION RE: PAYMENT OF PETIT JURORS.]⁷⁹

MR. STUART moved that the House resolve itself into a Committee of the Whole, for the consideration of Resolutions relative to the payment of Jurors in Lower Canada. He said he was not desirous of effecting this at the expense of the funds of the Province: but thought a sum might be appropriated from the local funds, to remunerate jurors attending the Courts.⁸⁰ He explained that the present law was absolutely ruinous to the poor man⁸¹ who is taken away from his family and business⁸², as it compelled him in some instances, from the qualification which it required, to come to court two or three times in one year, at great expense, and without remuneration⁸³, and if he neglects to attend an attachment is issued. He looked for the support of the Government, and was anxious to see them take the matter in hand: all he wanted them to do, is to comply with the wishes of the constituency which he represents, and also of a large portion of the agricultural population.⁸⁴ He said the motion was opposed by Mr. Drummond, on the ground that in Upper Canada, Jurors were payed by the counties; and that in accordance with the same principle, he proposed to introduce into his municipal bill, a clause authorising the municipalities to pay Jurors.⁸⁵ He read the following resolution which he stated that he intended to move:--

"That every Petit Juryman actually attending any of the Courts of Queen's Bench, Oyer and Terminer, General Gaol delivery or General Quarter Sessions of the Peace in Lower Canada, shall be entitled to receive and be paid in this behalf the sum of five shillings per day, for every day he shall attend such Court; and the sum of six pence per mile for every mile he shall necessarily travel from his place of residence to such Court, and that it is expedient to make legislative provision to that effect."⁸⁶

MR. AT. GEN. DRUMMOND asked how the hon. member proposed to raise the money?⁸⁷

MR. STUART stated the sum required would be comparatively trifling. He mentioned^{ed} tavern licenses.⁸⁸

MR. AT. GEN. DRUMMOND said, before a Committee could decide as to appropriating any particular fund, they must have the consent of the Government.⁸⁹ If the hon. member wished to know the opinions of the Government with respect to paying jurors, --they were the same as his own⁹⁰. All admit that it is but right, when persons are called on to absent themselves from their families, that they should be remunerated. At the present moment, this is provided for in Upper Canada, by the Municipal Councils; and certainly he should oppose doing so from the Consolidated

fund in Lower Canada.⁹¹

Some conversation [ensued]⁹².

MR. AT. GEN. DRUMMOND stated that he intended to make a provision in the Lower Canada municipal bill, to allow municipalities to tax themselves for the payment of jurors.⁹³ It was the intention of the Government to give power to the Municipalities in that section of the Province; and when the system of decentralization has been broken up, and parties are no longer called from a great distance, it will become an easy matter for Municipalities to make provision. The course, he said, which the Government intended to adopt is this, --to give power to Municipalities to provide for the payment of Jurors; but not that it should become a charge on the Consolidated fund.⁹⁴

MR. BOULTON thought the House might go into Committee of the Whole, and in this way a correct opinion could be formed. Last year when the subject was brought up, it was not by a member of the Government.⁹⁵

MR. AT. GEN. DRUMMOND said he should be happy to make an explanation. He did not see any necessity for legislating in the matter. A rule had been established in Lower Canada for the payment of witnesses; and whom he found receiving in this district three or four dollars, and one at Montreal. If gentlemen would refer to the returns, they would find that a great reduction had taken place. It had also been usual to issue subpoenas; to obviate this he had to put parties under recognizances, and was determined to prosecute them, when they did not appear.⁹⁶

MR. DUMOULIN prit occasion de dire qu'il n'avait pas perdu la question de vue; que la réponse qui lui avait été faite d'abord par le gouvernement lui avait paru satisfaisante; qu'il n'avait pas présenté lui-même de mesure à cet effet qu'afin de ne pas multiplier les procédés inutilement, et qu'il était disposé à attendre que le nouveau bill municipal fût ... [implanté].⁹⁷

MR. PROV. SEC. MORIN expliqua qu'on ne pouvait demander que les jurés dans le Bas-Canada fussent payés par les municipalités dans l'autre section de la province; que le pouvoir de les payer serait accordé aux nouvelles autorités municipales, lesquelles useraient de ce pouvoir, si elles le jugeaient à propos, ou n'en useraient point, s'il paraissait trop onéreux.⁹⁸

MR. FOURNIER parla en faveur du paiement des petits-jurés.⁹⁹

MR. LEBLANC dit quelques mots, mais le son même de sa voix ne put parvenir jusqu'aux galeries.¹⁰⁰

MR. LEMIEUX prit occasion de signaler un abus qui consiste à faire signifier les subpoena à des distances considérables, et par là encourir des frais énormes, tandis qu'on pourrait envoyer les papiers à des huissiers qui se trouvent sur les lieux, et épargner ainsi les frais d'un long voyage.¹⁰¹

MR. STUART ultimately withdrew his motion¹⁰² jusqu'à la semaine prochaine.¹⁰³

[WITHDRAWN MOTION RE: HALIFAX AND QUEBEC RAILROAD.]¹⁰⁴

MR. CAUCHON moved for a Committee of the Whole, for the purpose of taking into consideration the following resolution: That the Railroad from Quebec to Halifax, as forming part of the Grand Provincial Railroad, ought to be constructed in connection, and simultaneously with, that part of the same road which passes through the section of the country comprised between Quebec and Toronto.¹⁰⁵

MR. INSP. GEN. HINCKS asked the hon. member to withdraw his motion. He stated that the Government were most anxious to promote the object the hon. member had

in view. He had always looked upon that railway as an important work for Canada. He complained that its merits had never been properly appreciated or understood in Upper Canada. The Government had the subject under consideration. He believed the Province of Nova Scotia and New Brunswick were most anxious to co-operate with Canada in building that railway: and he believed that a plan could be adopted by which the Province would not run any risk of loss. He also stated that he believed assistance could be obtained from the Imperial Government.¹⁰⁶

MR. CAUCHON only desired to have the assurance of Government aid. The idea was to introduce a bill and to ask for the guarantee of the Province, in the mean time, for one half the amount.¹⁰⁷

MR. INSP. GEN. HINCKS said, if a company were incorporated to make a Railway from Point Levi to Trois Pistoles and thence to Miramichi, and if New Brunswick would make a line to Miramichi, the Government would probably build the line between Trois Pistoles and Miramichi, which was only 200 miles in length. He believed the Imperial Government would grant aid by a bonus, sufficient to secure the completion of the line. If this were so, only the non-paying part of the line would be provided for by the Imperial Government. This line must be made, however, upon the route surveyed by Major Robinson. He thought there should be a joint address from Canada, Nova Scotia, and New Brunswick, addressed to the Imperial Government. He had no doubt the scheme would be carried out, and that when that was done, steamers, larger than were ever yet seen on the ocean, would soon bring all the mails and passengers to a point on the continent from whence they would be carried through British America to their destination.¹⁰⁸

MR. BROWN said, all this showed the absolute necessity of those full explanations being given to the House on the Trunk Line negotiations which he (Mr. Brown) had been daily insisting on since the opening of the session. The original scheme was cast aside after Parliament had adopted it--another was concocted on the mere authority of the Executive--the Hon. Inspector General went home of his own motive to carry out that scheme, and not obtaining it, flew into a passion, lectured the Imperial Government, and declared that Canada never would be a party to any other. And here we have him telling us to-night that the original scheme--Major Robinson's line--is the right one after all--that he has hopes it will immediately go on--and that the Home Government undoubtedly give their assistance to it! (Hear, hear.) The very road he condemned in England and declared Canada would never build, and upon which he broke off negotiations so indignantly--he now earnestly desires to see built, and is prepared to build with the public money. (Hear, hear.)¹⁰⁹

SIR A. MACNAB said, that was the scheme that had always been contended for.¹¹⁰

MR. BROWN.--Yes; contended for, and adopted by the Parliament of Canada,--but¹¹¹ if it were, it was not¹¹² by any means the scheme of the hon. Inspector General and Mr. Jackson¹¹³ which was now to cost the Province so much money more than was necessary.¹¹⁴ The proposal of Earl Grey was, that we should have seven millions, at three, or three and a half per cent; and the Inspector General told us the work would cost us £5000 per mile, and that the Imperial loan would build the road from Halifax to Hamilton. This offer, the Inspector General rejected, without any apparent justification,--he concluded a bargain with this Mr. Jackson to come across the Atlantic,--and now, it seems, we are to pay him ten or twelve thousand pounds per mile for work, we were formerly told, would be done for five thousand! Mr. Speaker, we must know more of this business; and not one step should be taken until the whole mystery is explained to us. Millions of the public money are involved in it.¹¹⁵

MR. INSP. GEN. HINCKS declared there had been no mystery in the matter; and

demanded what explanations the hon. member for Kent wanted?¹¹⁶

MR. BROWN said, there had been a very great deal of mystery; not a word of explanation had been given by the Administration, as to the grounds on which they ventured to act as they had done. Papers necessary to a due understanding, had been at first refused; and when an order of the House requiring them was obtained, five weeks elapsed ere they were forthcoming; and even now, at the end of seven weeks, they are not yet printed. The formation of the Railway Committee, too, had not been forgotten. There was a reason for all this. What the House had a right to hear from the Ministry was, Why they dared to set aside the Act of 1851, and proceed with a new scheme?--how the Inspector General ventured to declare in England, that the people of Canada would never assent to the very scheme just adopted by their Parliament at his own instance?--what were the great advantages enjoyed by Mr. Jackson over other contractors that he alone was treated with?--what were the terms on which he came to Canada?--why Companies were formed by proclamation, and then ordered to surrender their charters?--on what principle of equity, their charters were to be cancelled?--why Mr. Jackson is to be paid ten or twelve thousand pounds per mile, in the face of estimates of able engineers, and the declaration of the Premier himself, that the work would be done for one-half of this sum?¹¹⁷

MR. INSP. GEN. HINCKS said, the contract with Mr. Jackson will not cost the country one copper.¹¹⁸

MR. BROWN said, the Inspector General had repeated that statement several times, but¹¹⁹ it was clear that this story about its costing nothing was all a delusion.¹²⁰ It was as very a delusion as ever was uttered. His (Mr. H's) argument was, that the Government guarantee would be but £4000 currency a-mile, or thereby; that there would be a first mortgage on the road for the amount, making the investment absolutely secure; and that, as the remainder of the price paid the contractor would be obtained from the sale of stock in the London market, it mattered not to the people of Canada how much it was. All very well; but would not those English stockholders, expect dividends from the road? Would not those dividends be derived from the traffic upon it, and therefore come out of the pockets of the people of Canada? (Hear, hear.) Would it not make an immense difference on the rates at which the road could be worked, if the capital on which returns have to be made was seven thousand instead of twelve thousand pounds per mile?¹²¹ If the road cost thrice what it ought to ... who was to pay for it? clearly the Province and if¹²² two pence per mile, as in the bill before the House, were the minimum rate¹²³ charged for passengers¹²⁴, at which a Jackson road can be run, and if the same road could be built by other parties, and run at 1d. or 1½d. per mile, on whom would the extra cost of the Jackson road fall? of course, on the people of Canada.¹²⁵ He wanted to have it explained how it was that the British offer was broken off so suddenly last year,--why the Inspector General took on himself to decline it--and whether the same offer was still open?¹²⁶

MR. INSP. GEN. HINCKS said he was quite prepared to meet the hon. member for Kent on this and every other point. Let him now put his questions, and he was prepared to give the fullest explanations.¹²⁷

MR. BROWN said he was not prepared, however; and should enter into no such discussion until he had read the printed documents, hourly expected.¹²⁸

MR. INSP. GEN. HINCKS said, however, he would proceed with his explanation¹²⁹ at once. He then gave an account of the passing of the railway acts last year, and the subsequent proceedings at Halifax, which led to the change of the proposed line from the northern route to the one by the St. John's Valley.¹³⁰ It would be recollected, he said, that an Act passed through the Provincial Parliament,

authorizing the construction of a railroad from Halifax to Toronto: the Halifax and Quebec part was to be constructed with the assistance of the Imperial Government on certain conditions, to which the Provinces of Canada, Nova Scotia, and New Brunswick were to agree. He was quite free to admit that the despatch of Earl Grey, which was the basis of that legislation, made it a point, that Major Robinson's line should be adopted, unless the Imperial Government should subsequently see fit to adopt some other line. The Government of Canada, being anxious to carry out the Act, determined that three members of the Cabinet, the late Commissioner of Public Works, the Receiver General, and himself should go to Fredericton, where they expected to meet a delegation from the Government of Nova Scotia. On arriving at Fredericton, they found that the Nova Scotia delegation could not come; but they entered into negotiation with the Government of New Brunswick, who put them in possession of all the necessary information respecting the resources of that Province; and stated that, as the northern line went through an unsettled portion of their territory, and totally avoided the European line, and the city of St. John, it could not be carried through the Legislature, and it was useless to propose it. The consequence was, that the delegation from Canada, not being pledged to any particular line--the late Commissioner of Public Works was in favour of the line through the valley of the St. John, as being most favourable in the interest of Canada, and the Receiver General, and himself having no strong opinion either way, but seeing the advantages which would accrue from opening a market for Canada flour in New Hampshire, and the lumbering section of the North Eastern States--found that the negotiations --taking Major Robinson's line as the basis--must be broken off, and they then persuaded Mr. Chandler to accompany them to Halifax, for the purpose of obtaining the consent of the Government of Nova Scotia to the line through the valley of the St. John. They had several interviews with the Government of that Province, and found they were very much indisposed to accept any but the Northern line; but having been convinced that New Brunswick would not consent to that route, they agreed to the other, through the Valley of the St. John, and carried a proposition to that effect through their Legislature. The Canadian delegation then returned to this Province, and received the approbation of their conduct from His Excellency the Governor General and their colleagues. It had been suggested while at Halifax, that it would be desirable to send a representative from each Province to England, to press the construction of the valley of [the] St. John line on the Imperial Cabinet, with all the weight of the three Provincial Governments. They were to sail at a stated time, and, after communication with Mr. Chandler and Mr. Howe, he set out for Halifax, where they were to meet. He had omitted to state one fact connected with this matter, and should now mention it, as he had been charged in some of the newspapers with having shown disrespect to the Governor General in the course he pursued; on the completion of the arrangement entered into by the representatives of the three Governments at Halifax, he wrote a letter to Earl Grey, narrating the transaction, satisfied that it would be possible to obtain an answer from his lordship before he should sail for England. He had the satisfaction to know that his conduct was approved of by the Governor General, his colleagues, and Earl Grey. He told his lordship that he was at liberty to treat the letter as a private or public communication, as he saw fit; for he had no right to assume to himself the authority of writing to his lordship in an official capacity, and yet, although he was unable to consult with his colleagues, he conceived it to be his duty to put the Colonial Office in possession of the facts. Earl Grey treated his letter as a public document. On the day that he arrived at Halifax, he received, in reply, a despatch written by Mr. Under Secretary Peel, in compliance with Earl Grey's instructions, accompanied by a private letter from his lordship, and he subsequently found that he read that letter from his place in the House of Lords. That letter was written at a moment

when the Imperial Government had no idea that they would be compelled to resign; and in it, Earl Grey stated, that although he waived his own opinion with great reluctance, he was, individually, in favour of accepting the route by the valley of the St. John, and had no doubt that the Imperial Government would accede to it, but that he could not say as much officially in a despatch, without consultation with his colleagues. Every person knew that immediately after that letter was written, the Whig cabinet was compelled to resign; and every one knew the exact position of affairs when he arrived in England, and entered into communication with the Colonial Office. The course he had pursued on that occasion had been made the subject of bitter attack, but he could only say that, on mature reflection¹³¹ [and] deliberation he had not been able to conclude that he had done wrong¹³², [and] did not regret any thing he had then done.¹³³ He did not write the letter, which he did write and which had been so severely condemned, until he was perfectly certain that the¹³⁴ Imperial Cabinet had made up their minds to give no aid to the line through the valley of the St. John. As to giving the Imperial Government time to consider the question, and leaving England abruptly, he could say, that from the moment he arrived in London, he had announced his intention to leave for Canada at a certain date, that his presence in the colony was necessary, and he had in his possession a letter from the Colonial Office, informing him that he should receive a positive answer previous to the date he had mentioned.¹³⁵ Now, finding there was no probability that that assent would be given to this line, which was the only one that the Provinces would agree to, and that the Imperial government made no proposition to get the provinces out of the difficulty, and thus to give the delegates a definite proposition to come back with, he found it was his duty not to return without providing means for, at least, a large portion of the main trunk line.¹³⁶ The interview that he and Mr. Chandler had with Lord Derby, had been sought by them as a sort of last resort, to impress on the mind of the Prime Minister, the necessity of not allowing the matter to drop; their official means of communication, of course, was through the Colonial Office, and they did not take any steps to procure that interview until their hopes of success through the Colonial Office had failed. At that interview they had received every courtesy--of discourtesy on the part of Lord Derby, he had never complained; and he would here say, that both of Lord Derby and Mr. Pakington he had always spoken with the highest respect, and he felt the greatest admiration for their distinguished talents--but after a very long interview with Lord Derby, it was quite evident that his mind was fully made up against the valley of the St. John route. Some persons chose to imagine that his lordship came to that conclusion, in consequence of the letter which he (Mr. Hincks) had written to Sir J. Pakington, but that very supposition conveyed an imputation which he would never cast upon any one filling the high position of Prime Minister of England. It was in the highest degree absurd, and unjust to his lordship, to suppose that he would punish Nova Scotia and New Brunswick for the correspondence that he, the representative of Canada, had been concerned in. Finding that there was no probability that the Imperial Government would give its assent to the only line which was likely to receive the assent of the three Provinces, the whole negotiation having, in fact, broken down, the question was, whether he should go home again without making some effort to advance the interests of Canada. It should be recollected that he was not invested with the powers of a plenipotentiary; that he had not received [sic] any authority from the Government of this Province to negotiate with the Imperial Cabinet for any other but the line of the St. John. The British Government were told most distinctly the cause of the difficulty that existed in the way of the Northern route, that New Brunswick would not consent to incur any pecuniary obligations for the construction of that line; and if they suggested any new proposition as the basis of a new arrangement it might have got the representatives of the Province out of their difficulty; if the Imperial Government

had said, "instead of giving our guarantee, we will give some assistance in the shape of direct aid," Mr. Chandler and himself, though not authorized to treat on such a proposition might have come back as the bearers of it. Having no authority to treat respecting it, they had not, either, the power of proposing it; all that they could do was to push the negotiation they were empowered to carry out, as far as possible, and when that negotiation broke down, return home. It was quite true, that, at the time he wrote to Sir J. Pakington, he had not been informed officially of the determination of the Government, but he had received positive information as to what that decision would be, several weeks before. Under these circumstances, he felt that he would not consult the interests of Canada, if he did not make arrangements for the construction of a large portion of the trunk line of railway. It was then, that he got introductions to gentlemen who have been frequently referred to of late, represented in this country by Mr. Jackson, their authorized agent, and who are known to every person acquainted with the state of English affairs, as the strongest railroad company in the world, beyond all comparison.¹³⁷ Mr. Hincks after vindicating his conduct in England said he thought it would be for¹³⁸ the interest of Canada to direct the attention of these great capitalists to the Province; and he would here remark that, at the time he went to England, the feeling was more unanimous¹³⁹ [and] more harmonious¹⁴⁰ than at present; nothing was then heard of the opposition to an introduction of British capital for constructing railroads; nothing was heard of the sufficiency of capital in the country for the purpose; not a word was heard of this jealousy of British capitalists coming in and taking the work out of the hands of enterprising Canadian contractors, and he had no doubt, that some of the persons who now make the loudest outcry against arrangements he proposed, would, a few months ago, have been the strongest advocates of the introduction of British capital. He had examples before him for the course he had taken. He had seen the agents of several railroad companies going home at different times, and endeavouring, and succeeding, in seducing British capitalists to take stock in their roads. He thought, therefore, that in effecting the arrangement which he had made with Mr. Jackson--an arrangement which that gentleman, had frequently said was binding on him, though it did not bind the people of Canada--he said by effecting this arrangement by which Mr. Jackson agreed to come out and build the road with his own capital, on certain conditions, he had made a most eligible arrangement for the Province. He (Mr. Hincks) came out and endeavoured to carry it out in good faith, and the whole basis, on which it was constructed, was placed before the public in a demi-official form which was thoroughly understood. The question was thoroughly discussed in the public prints; and it soon appeared that the parties who held the charter for the road West of Kingston, were exceedingly anxious to carry out the arrangement, while those who held the charter for the road between Montreal and Kingston, were disposed to set it aside, and take the matter into their own hands. The Government, in fact, invited their co-operation, and, perhaps it was wrong in permitting these gentlemen to assume the position they placed themselves in. He could only say, that if the government did wrong, it never entered his imagination that the government would get such favourable terms as were contained in Mr. Jackson's last proposition, terms which he had been forced to make by the antagonistic position assumed by the other parties. He had never supposed that the entire Stock would be taken by the Company, on receiving the Provincial guarantee for half the amount. As the question now stands, it is admitted by every one, that the Province incurs no risk whatever. However it must be left for the action of Parliament. A great deal had been said about the Quebec and Richmond Railroad, in consequence of some very gross insinuations respecting the negotiations for its construction; but he thought he could satisfy the House that, so far as the Government and the Province were concerned, the position of that road is most satisfactory. The estimate of its cost, £6500 per mile, was based on a detailed scale, of prices, and when the Railroad Commissioners

were appealed to by the Directors of the Company, they unanimously came to the conclusion that the prices were very high; but they said to the Company, "if, under all the circumstances of the case, you are not able to get better terms; if you have no means of your own to construct the road"--for he believed that, in addition to the £50,000 given by the city of Quebec, they had only £20,000--"we feel that if you choose to go on with the work at these high prices, the Province incurs no risk in granting its guarantee for half the amount." The company determined to accept the proposition. The government guarantee was to have been for £3750¹⁴¹. [OR] for £3500¹⁴² sterling per mile, the bonds to be issued at par; but the Company has notified the Government, that they do not require it for so large an amount, and that all that will be necessary, will be a guarantee for £2500¹⁴³ per mile. He mentioned this, because he thought it was an instance of what would occur in the other road--that the Province will not be asked to guarantee anything like the amount supposed. It is said that £6500 per mile is a most enormous price for the road--well, with regard to Railroads, a great deal depends on peculiar circumstances, the nature of the route and the manner of construction. He was of opinion that this Richmond road would be constructed in a very superior manner; all the bridges are to be made of tubular iron, a kind of work which was never yet undertaken in Canada, and which is exceedingly expensive. He had been assured, on the best authority, that it would have been impossible for the Quebec and Richmond Company to build the road if they had not made the contract with Peto, Betts and Brassey, but with that contract for £6500 per mile before them, the railroad interest of England, depending upon the character of the contractors came forward and took up stock to the extent of £200,000, besides £100,000 in bonds, thus relieving the company from their difficulty, and the city of Quebec was relieved from all responsibility. Now, a great deal had been said about the cost of the Main Trunk Line; and a more exaggerated statement was made that it would cost £12,000 per mile. The estimate in reality is £7,600 sterling per mile, the bonds, of course, to be issued at par. He would observe that very great differences of opinion are found to exist among engineers with regard to the cost of some of the most important portions of the work. It is said by some that the first part, from Montreal west, can be constructed very cheaply, and on the other hand it is asserted that there will be a great deal of very heavy bridging on the whole route from Montreal to Toronto. Looking at the fact that these tubular iron bridges will form a very expensive item, he thought the cheapness of the road might very well be doubted. A similar species of exaggeration had been practised with respect to certain alleged reductions in the estimates of Mr. Jackson: it was stated that he had made several large reductions, and the fact was that there had been no reduction in his terms from the first. The only variation was in the amount of Government guarantee, which had been reduced with his consent from £3,500 to £3,000 a mile. Certain persons said they could construct the entire road for the sum guaranteed by the Government; and the contractors told the Government, "we do not care about holding you to that amount--reduce it if you choose." The matter was discussed in committee, and it was resolved that there should be a reduction from £3,500 to £3,000, and he had the satisfaction of knowing that those who evinced the greatest hostility to the bill admitted that whatever other questions might enter into its consideration, the Province incurred no risk at all, but was perfectly safe. The sole responsibility which the Province would incur, would be the guarantee of half the amount; the cost of the construction must be borne by capitalists in England. If they chose to advance their money for the purpose, he should be inclined to think that there is very little occasion for us, with our very enlarged experience of railroads, to put them on their guard for it is pretty generally known that English capitalists are perfectly able to take care of themselves without asking for advice from any one. They have had repeated dealings with these contractors, not merely for the

construction of railroads in England, but in the world; the very last papers which came out mention the completion of a contract for a railroad in France, which is to cost £3,500,000. All those immense enterprises are carried on through the confidence that English capitalists repose in the success of their schemes. They know that they will have a good road for their money. Of course, it was not to be supposed that these gentlemen were not desirous of getting a good price for their work; but if it were said that their prices were high, he would answer that the shrewdest railroad directors in England have paid them twice the amount they now ask: so that, in this instance, we may very safely leave them to look after their own interests. He then came to another point: it was said that if the road cost such a large sum the travelling public would have to pay enormous rates, or the company would not be remunerated; that instead of paying a cent per mile, as in the United States, they would be compelled to pay 2d. The argument was simply absurd. If any of our forwarders chose to build a very expensive steamer, he could not expect that he would make the public pay the extraordinary expense, by raising the rate of fare. If he did make such an attempt, the public would naturally go by the cheaper lines of travel. So it will be with this company: the Government does not guarantee them a monopoly; they will have to compete with the water communication; they will have to compete with all the American lines of railroad, which were becoming more and more numerous every day. The rates of fare on the American railroads were moderate--what is the reason? The competition of the several lines for the passenger traffic. Did any honourable gentleman suppose that in the face of that competition, a company carrying on this road will be enabled to impose an unreasonable scale of prices? He would tell them that he did not care who had its management;--he did not care whether they were English, Canadian, or American capitalists; the object of all would be the attraction of as much trade as possible. The price of the road is not the element that affects the cost of travelling. If the Ogdensburgh road, or the Cape Vincent road should carry cheaper than this fine, they will, of course, get all the trade; and it will be the fault of the company themselves if they pay so high a price for the work as to be unable to compete with those lines; but if they should charge too high, we have the remedy in our own hands; this will not be the only railroad in the Province. The hon. President of the Council would tell any one that before long there must be another route to the West; and perhaps he is right. He certainly should not be afraid lest the Company should give a thousand or two per mile too much for their road. That is their affair. He should be quite satisfied with knowing that the Province is secure from risk, and that the names of the contractors are a guarantee for the speedy construction of a good road. With reference to what had been repeated several times--that the Government should have assumed the responsibility of bringing in this bill, he had only to say that he did not think it was their business to do so. There are several other railroad bills before Parliament, all of which will have the Provincial guarantee; they are all in the same position, yet the Government is not expected to assume the responsibility. It deems it advisable that the Trunk Line of railway should be in the hands of the parties whose names are before the House; and when he heard objections raised to the incorporation of those parties, he could not help remembering that those objections come from persons who look solely for a road from Montreal to Kingston, whereas, if the bill should pass, there will be a probability that the road from Toronto to Halifax will be secured.¹⁴⁴ He concluded by saying that he¹⁴⁵ had no certain knowledge that the Imperial Government would give the assistance suggested for the purpose of effecting that object. It was only his own opinion that it might be obtained, and others were quite as capable of forming a correct opinion on this point as himself. It should be recollected that the assistance required will be narrowed down to a point; and that it will not offer the same aspect to the Imperial Government as the former propo-

sition on this subject. It is a new scheme for accomplishing the object; a scheme that, in his opinion, was completely practicable. As he had said that he had no information respecting it, he could not say whether the Imperial Government would or would not carry it out; but knowing that Lord Derby has a strong feeling in favour of the construction of Major Robinson's line, he thought it was not improbable that the assistance he proposed to ask for, might be secured to complete the line of road to Halifax.¹⁴⁶ He believed they would give the assistance he had spoken of, to the line between Trois Pistoles and Miramichi.¹⁴⁷

MR. CAUCHON was not satisfied with the explanation of the hon. member. Last year we had Mr. Hincks explaining that the northern route was the best, and proving that no canals could possibly compete with such a line. But then Mr. Young afterwards came into the ministry and in deference to Montreal, he committed the Government to the opinion that the St. John's Valley route was the best. As soon as that determination was known amongst the public, it became universally felt that the scheme would fall. Common sense proved that.¹⁴⁸

MR. INSP. GEN. HINCKS said the whole thing depended on a change of Government. Had the Whigs remained in power for two months, it would not have failed.¹⁴⁹

MR. CAUCHON, however, did not believe that Earl Grey could have succeeded with the Imperial Parliament had he brought in a plan for a road which offered no advantage to Great Britain. At any rate the Inspector General went to England, and the moment he found that the Imperial Government adhered to their original plan, he at once turned round and said, "Well if you want to make that road, make it yourself." Instead of that he ought to have come back and ascertained whether the Provinces could not be brought to agree upon that road which he had himself formerly favoured. It was now shown that this St. John's road could not possibly be made on account of spring floods, which would cause an amount of bridging that would prevent the enterprise. Had this been ascertained by a survey before the British offer was rejected, even New Brunswick might have been convinced and brought into the scheme. But notwithstanding the faults of the Inspector General, then, he did not want to refuse the road now if it could be got. He looked on that road as the most important one that could be constructed; for he wanted a union of the Provinces effected by its means.¹⁵⁰

MR. MERRITT was decidedly in favour of the route by the valley of the St. John, as the most favourable for the interests of Canada; and he hoped that a company would be empowered to construct the road from Quebec to St. Andrews. There are now 80 miles under contract to that point in the New Brunswick territory; and if the other link be completed, the people of Quebec will have a cheap and short route to the ocean.¹⁵¹

MR. PROV. SEC. MORIN dit ... quelques mots pour faire comprendre la position du gouvernement.¹⁵² [He] said, that the member for Montmorenci was scarcely fair when he reproached the Inspector General for not having exerted himself while in England with a view to effect the arrangement he now suggests for completing this road. The circumstances are very different.¹⁵³ It was impossible for Mr. Hincks at the time he was in England to make the terms which Mr. Cauchon said he could have made.¹⁵⁴ The Inspector General went to England for the purpose of carrying out an arrangement between the three Provinces. It was well understood that New Brunswick would not consent to any other arrangement; and the Inspector General could not, therefore, make new proposals to the Imperial Government when he was not in the presence of this country or the Provincial Parliament; and when he had not an opportunity of consulting with his colleagues. Although he had made preliminary arrangements with the English capitalists they did not make the offers which they have since made; they had not then visited the country, nor did they

know its resources. They had not, then, that degree of confidence in the capabilities of Canada which has been inspired through the energies of the Inspector General and the knowledge that their agent had acquired since he came out here, saw the country, and perceived the great inducements it held out for the investment of capital. The power of making new proposals did not, then, rest with the Inspector General when he perceived that the British Government had come to a determination favourable to Major Robinson's line; but he has now the right to say to this country, "the opinion of the British Government is still unchanged, and as a large portion of the road is already contracted for, I propose to ask the British Government to lend some assistance to complete the chain of communication." That assistance will not be to as great an extent as had been previously asked for; and if it is obtained, it will be owing solely to the influence and energy of the Inspector General and Mr. Jackson. If the members for Montmorenci and Kent wished to destroy all railroad improvement, they were welcome to make the trial. He did not believe that they would succeed; but, certainly, everything that they do has that tendency.¹⁵⁵ [They do] all in their power to prevent railroad enterprise.¹⁵⁶

MR. BROWN said, there was no practical question before the House, and therefore¹⁵⁷ [he] would not then enter into the ground gone into by the Inspector General as an other opportunity would occur¹⁵⁸. He would not occupy time by entering now on the wide field for discussion opened up by the hon. Inspector General. He was glad that an attempt at explanation had at last been forced from the Government; but however satisfactory that explanation might be to others, he confessed it was to him (Mr. B.) very far from satisfactory; and when the report of the Railroad Committee came before the House, he would take the opportunity of showing the injurious and inexplicable policy which had been pursued by the Government throughout this matter. The hon. Provincial Secretary had charged him with desiring to destroy the railroad movement. He threw back the insinuation upon its author; no member of that House was more anxious to encourage every railroad enterprise likely to be profitable to the country, or had advocated such enterprises with more consistency and zeal. But, said Mr. Brown, what I do desire to prevent, is the perpetration of a¹⁵⁹ monstrous¹⁶⁰ job. I repeat it, a job; and a more gross or deliberate job than is now being attempted in this matter, I believe, has rarely been seen in any country. There are reasons, Mr. Speaker, why proceedings in this affair have been forced on us in such violent haste; there are reasons why the contracts must be given to this English firm in preference to Canadian contractors¹⁶¹ at double the sum; which the Inspector General each year told the house would be amply sufficient to build the road¹⁶², and these reasons are to be found not in England but in Canada.¹⁶³

MR. INSP. GEN. HINCKS said, that the concluding observations of the member for Kent, coupled with his previous remarks, can only be taken as an insinuation that he (Mr. Hincks) was actuated in his advocacy of this measure by corrupt motives. No other inference could be drawn. He stated, first, that it is to be a job; and then that there [are] "reasons" why the contract should be given to these parties. So far as he was concerned, personally, he knew from experience that every act of a responsible Minister in this country is attributed to corrupt and improper motives. It was not a very long time since the Government of which he was a member determined on advising the sale of the toll-roads in Upper Canada, —a course that he has since been convinced was a wise and judicious one,—and the charge was repeated from one end of the Province to the other, until the whole country rung with it, that it was a job, in which he was personally interested. He did not believe that those persons who made the charge believed it themselves; and a remarkable fact which came to his knowledge only a day or

two since, tended to show how much of a job it was;--not a single session of one of the County Councils passed by without a proposition being made to sell the roads which had been purchased. He believed that the member for Wentworth would bear witness to the truth of that statement. Knowing that motives of this kind are attributed on all occasions, he was not very much astonished at the charges made against the advocates of this measure; but he believed that if the truth were known, the jobbing would all be found on the other side; that if jobbing were to be looked for, the member for Kent must look for it elsewhere.¹⁶⁴ The propositions which took place in England, if there were any, must have been with him in England.¹⁶⁵ Unless the member for Kent chose to think that the English contractors bribed him with a sum of money when in England, he could not understand the insinuation. The hon. member was at liberty to think so if he chose, but, at all events, he (Mr. B.) was happy to believe that there was not a member in Parliament capable of being influenced by such motives. He did not envy the persons who are in the habit of attributing corrupt motives to others. For himself he could say that, as a private individual, he was not interested in any way or shape in these Railroad projects. He had no property which would be increased in value, or out of which he could make a job. In fact he had strong motives of personal friendship to wish to see the road in the hands of the Montreal gentlemen, instead of in the hands of Mr. Jackson, in whom he had no interest whatever under heaven. The parties for whom Mr. Jackson acts in this country, under power of attorney, are too well known.¹⁶⁶ Messrs. Brassey, Betts, and Peto, were gentlemen¹⁶⁷, their reputation stands too high to permit the supposition that any calumnies uttered here can affect them, no matter what may be the insinuations made in Parliament, or in the public prints; one of those insinuations was to the effect that they were going to take the work out of the hands of Canadian contractors who have ample means of carrying on the work; but he heard from common report, for he knew nothing of these matters himself, that the Canada contractors have been informed that if they desire to execute the work, and have the means, they shall get it at contract prices. Another insinuation was that this bill had been drawn up under his supervision; whereas, in truth, he knew nothing of it until he saw it in print; and he was, therefore, just as free to discuss its provisions as the member for Kent, or any other member of the House. Of course, he felt the insinuations of that hon. gentleman very keenly; but he was gratified in thinking that no member on either side of the House believed that they had any foundation.¹⁶⁸

MR. CAUCHON protested against the imputation of motives by the Ministry. They were very sensitive themselves, and should exercise towards others that degree of charity, which they wished to be extended to them.¹⁶⁹ Not joining Mr. Brown in his accusations of jobbing, [he] thought it just as wrong to impute motives on the part of the government as to impute jobbery, on the part of other members. He therefore condemned the remarks of Mr. Morin.¹⁷⁰ *Les remarques de M. Morin sont mal fondées, et il est peu convenable de sa part de lancer des accusations aussi dénuées de fondement que celles qu'il a faites contre moi. J'ai toujours été, et je suis encore en faveur des chemins de fer que j'ai favorisés de tout mon pouvoir.*¹⁷¹

MR. BOULTON said if the Government were accused of jobbery they owed it to themselves. Look at the charter now before the House. It permitted the company to go into any City or Town in the country and take any twenty acres of land they liked. That twenty acres of land would enable them to build hotels, markets, &c., and divert the whole trade of the place. Now, why were these advantages to be given to those parties, which, by the general Railway act, were denied to every one else? Besides this, when last year the Inspector General came down and pledged himself that the railway would be made for £5000 per mile, and when he repeated

the same statement at Halifax, with reference to the more expensive road between that city and Quebec, how did it happen that a bill was to be passed, giving the right to raise stock to the amount of £12,000 per mile to build the same road? Again, why were all the directors to be residents of Quebec, for a railroad between Montreal and Kingston; and again, why was this great company, with so much money they were to bring into the country to take our bonds and borrow money on them at 6 per cent?¹⁷²

SIR A. MACNAB¹⁷³ said that the railway Company could only take twenty acres of land for the purposes of the railway and not for speculation. He was delighted that the railway operations were in progress and would be glad to see the Inspector General lay his scheme before the House and have it discussed by the Railroad Committee. He was not afraid of Mr. Jackson or Mr. anybody else, he was in favor of giving that gentleman a good price and of getting a good road; and was not prepared to meet him on the threshold with unworthy suspicions of every one of his mere merits.¹⁷⁴

MR. BROWN desired to say that such a thing never entered his head, as to charge¹⁷⁵ Mr. Hincks¹⁷⁶ with having received a sum of money from Messrs. Jackson & Co. while in England.¹⁷⁷ The Inspector General need not have taken it to himself¹⁷⁸ and he [Mr. B.] was surprised that the hon. gentleman should have so met his remarks. A job might be perpetrated in many ways besides the payment of a sum of money, and other parties besides the Inspector General might be interested. There were directors in perspective, and speculators, and property holders, and contractors, and lawyers, all engaged in pushing the scheme through with an amazing earnestness, for which a good reason was known to exist. It was not without a very good reason that gentlemen were now found advocating the payment of ten thousand pounds and over per mile, to an English firm, for the very work they declared last year would be done for five thousand by Canadian contractors. What he meant to say was that so many lawyers, contractors, and¹⁷⁹ other people¹⁸⁰ would not be engaged in pushing this bill through¹⁸¹ which was to cost double what it was well known a road should cost, unless there were some good reason for it.¹⁸²

No objection being made, the motion was then withdrawn.¹⁸³

[REQUEST FOR DOCUMENTS RE: NORTH SHORE RAILWAY.]¹⁸⁴

MR. STUART moved for certain documents relating to the North Shore Railway; saying that he had on a previous evening been refused documents containing opinions of the law officers of the crown. He would not now press for these things if the government refused them; but he cited several precedents in which these opinions had been submitted to the House.¹⁸⁵

MR. PROV. SEC. MORIN promised some of the papers but refused the others, containing the opinions of the law officers of the crown.¹⁸⁶

FOOTNOTES: 11 OCTOBER 1852.

1. The debate on this matter was reported by GLOBE, 19 October 1852. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 12 October 1852, QUEBEC GAZETTE, 13 October 1852, MONTREAL GAZETTE, 14 October 1852, HAMILTON SPECTATOR DAILY, 18 October 1852 (which copied from MORNING CHRONICLE), BRITISH COLONIST, 19 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852.
2. GLOBE, 19 October 1852.
3. IBID.
4. IBID.
5. MONTREAL GAZETTE, 14 October 1852.
6. GLOBE, 19 October 1852.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. MONTREAL GAZETTE, 14 October 1852, reported that "the committee rose and reported without arriving at any resolution."
21. GLOBE, 19 October 1852.
22. LA MINERVE, 14 October 1852.
23. GLOBE, 19 October 1852.
24. IBID.
25. IBID.
26. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 12 October 1852, QUEBEC GAZETTE, 13 October 1852, MONTREAL GAZETTE, 14 October 1852, PILOT, 14 October 1852, HAMILTON SPECTATOR DAILY, 18 October 1852 (which copied from MORNING CHRONICLE), BRITISH COLONIST, 19 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN SEMI-WEEKLY, 22 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852. The debate was also reported by GLOBE, 19 October 1852.
27. GLOBE, 19 October 1852.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 14 October 1852, QUEBEC GAZETTE, 15 October 1852, PILOT, 15 October 1852, HAMILTON SPECTATOR DAILY, 19 October 1852, BRITISH COLONIST, 19 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852. The debate was also reported by: GLOBE, 21 October 1852; and LA MINERVE, 14 October 1852, which also contained a commentary.
33. GLOBE, 21 October 1852.
34. IBID.
35. PILOT, 15 October 1852.

36. GLOBE, 21 October 1852.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. PILOT, 15 October 1852.
43. GLOBE, 21 October 1852.
44. PILOT, 15 October 1852.
45. GLOBE, 21 October 1852. LA MINERVE, 14 October 1852, commented "En exprimant cette opinion, M. McDonald paraissait se faire l'organe du parti auquel il appartient."
46. GLOBE, 21 October 1852.
47. PILOT, 15 October 1852.
48. GLOBE, 21 October 1852.
49. PILOT, 15 October 1852.
50. GLOBE, 21 October 1852.
51. GLOBE, 21 October 1852, attributed this speech to Mr. J.A. Macdonald, in error.
52. PILOT, 15 October 1852.
53. GLOBE, 21 October 1852.
54. PILOT, 15 October 1852.
55. GLOBE, 21 October 1852.
56. PILOT, 15 October 1852.
57. GLOBE, 21 October 1852.
58. PILOT, 15 October 1852.
59. GLOBE, 21 October 1852, which commented that the discussion was not only long, but "tedious".
60. PILOT, 15 October 1852.
61. IBID.
62. IBID.
63. LA MINERVE, 14 October 1852.
64. PILOT, 15 October 1852.
65. IBID.
66. IBID.
67. LA MINERVE, 14 October 1852.
68. PILOT, 15 October 1852.
69. LA MINERVE, 14 October 1852.
70. PILOT, 15 October 1852. LA MINERVE, 14 October 1852, contained a lengthy commentary on Mr. Papineau, a portion of which reads as follows: "M. Papineau n'écoula rien, et répéta la même chose pendant plus d'une demi-heure; ses amis même ne peuvent s'empêcher d'avouer qu'il fit en cette occasion un pitoyable discours...."
71. PILOT, 15 October 1852.
72. LA MINERVE, 14 October 1852.
73. PILOT, 15 October 1852.
74. GLOBE, 21 October 1852.
75. GLOBE, 21 October 1852, recorded the votes as "Yeas 36; Nays 27."
76. GLOBE, 21 October 1852, reported that "the House adjourned ... after the transaction of some business of no interest." LA MINERVE, 14 October 1852, reported that "la séance ... n'a été levée qu'à 11 heures P.M."
77. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
78. LE PAYS, 15 October 1852.
79. The following papers reported the debate on this withdrawn motion in identical

accounts: MORNING CHRONICLE, 12 October 1852, QUEBEC GAZETTE, 13 October 1852, MONTREAL GAZETTE, 14 October 1852, HAMILTON SPECTATOR DAILY, 18 October 1852 (which copied from MORNING CHRONICLE), BRITISH COLONIST, 19 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852. The debate was also reported by: GLOBE, 19 October 1852; and LA MINERVE, 14 October 1852, which also contained a commentary. The following papers noted the debate in identical accounts: BRITISH WHIG, 11 October 1852, BRITISH COLONIST, 12 October 1852, HAMILTON SPECTATOR DAILY, 12 October 1852, MONTREAL GAZETTE, 12 October 1852, PILOT, 12 October 1852, HAMILTON SPECTATOR WEEKLY, 14 October 1852, BATHURST COURIER, 15 October 1852, and OTTAWA CITIZEN, 16 October 1852. It was also noted by JOURNAL DE QUEBEC, 14 October 1852.

80. GLOBE, 19 October 1852.
81. MORNING CHRONICLE, 12 October 1852.
82. GLOBE, 19 October 1852.
83. MORNING CHRONICLE, 12 October 1852.
84. GLOBE, 19 October 1852.
85. BRITISH COLONIST, 12 October 1852.
86. MORNING CHRONICLE, 12 October 1852.
87. IBID.
88. IBID.
89. GLOBE, 19 October 1852.
90. MORNING CHRONICLE, 12 October 1852.
91. GLOBE, 19 October 1852.
92. MORNING CHRONICLE, 12 October 1852.
93. IBID.
94. GLOBE, 19 October 1852.
95. IBID.
96. IBID.
97. LA MINERVE, 14 October 1852.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. BRITISH COLONIST, 12 October 1852.
103. JOURNAL DE QUEBEC, 14 October 1852. BRITISH COLONIST, 12 October 1852, claimed that "no other business had been transacted up to 6 o'clock."
104. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 12 October 1852, QUEBEC GAZETTE, 13, 15 October 1852, MONTREAL GAZETTE, 14 October 1852, PILOT, 14 October 1852, HAMILTON SPECTATOR DAILY, 18 October 1852 (which copied from MORNING CHRONICLE), BRITISH COLONIST, 19 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN SEMI-WEEKLY, 22 October 1852, EXAMINER, 27 October 1852, NIAGARA MAIL, 27 October 1852, NORTH AMERICAN WEEKLY, 28 October 1852, and JOURNAL DE QUEBEC, 14 October 1852. The debate was also reported by: GLOBE, 21 October 1852; and LA MINERVE, 14 October 1852. The matter was noted by JOURNAL DE QUEBEC, 12 October 1852.
105. GLOBE, 21 October 1852.
106. IBID.
107. IBID.
108. IBID.
109. GLOBE, 21 October 1852. LA MINERVE, 14 October 1852, reported that "M. Hincks fut attaqué avec violence par M. Brown qui s' imagine voir des spéculations partout."
110. GLOBE, 21 October 1852.
111. IBID.

112. MORNING CHRONICLE, 12 October 1852.
113. GLOBE, 21 October 1852.
114. MORNING CHRONICLE, 12 October 1852.
115. GLOBE, 21 October 1852.
116. IBID.
117. IBID.
118. IBID.
119. IBID.
120. MORNING CHRONICLE, 12 October 1852.
121. GLOBE, 21 October 1852.
122. MORNING CHRONICLE, 12 October 1852.
123. GLOBE, 21 October 1852.
124. MORNING CHRONICLE, 12 October 1852.
125. GLOBE, 21 October 1852.
126. MORNING CHRONICLE, 12 October 1852.
127. GLOBE, 21 October 1852.
128. IBID.
129. IBID.
130. MORNING CHRONICLE, 12 October 1852.
131. GLOBE, 21 October 1852.
132. MORNING CHRONICLE, 12 October 1852.
133. GLOBE, 21 October 1852.
134. MORNING CHRONICLE, 12 October 1852.
135. GLOBE, 21 October 1852.
136. MORNING CHRONICLE, 12 October 1852.
137. GLOBE, 21 October 1852.
138. NIAGARA MAIL, 27 October 1852.
139. GLOBE, 21 October 1852.
140. MORNING CHRONICLE, 12 October 1852.
141. GLOBE, 21 October 1852.
142. MONTREAL GAZETTE, 14 October 1852.
143. QUEBEC GAZETTE, 13 October 1852, NORTH AMERICAN SEMI-WEEKLY, 22 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852, reported this figure as £2000.
144. GLOBE, 21 October 1852.
145. MORNING CHRONICLE, 12 October 1852.
146. GLOBE, 21 October 1852.
147. MORNING CHRONICLE, 12 October 1852.
148. GLOBE, 21 October 1852.
149. IBID.
150. IBID.
151. IBID.
152. LA MINERVE, 14 October 1852.
153. GLOBE, 21 October 1852.
154. MORNING CHRONICLE, 12 October 1852.
155. GLOBE, 21 October 1852.
156. MORNING CHRONICLE, 12 October 1852.
157. GLOBE, 21 October 1852.
158. MORNING CHRONICLE, 12 October 1852.
159. GLOBE, 21 October 1852.
160. MORNING CHRONICLE, 12 October 1852.
161. GLOBE, 21 October 1852.
162. MORNING CHRONICLE, 12 October 1852.
163. GLOBE, 21 October 1852.
164. IBID.
165. MORNING CHRONICLE, 12 October 1852.

166. GLOBE, 21 October 1852.
167. MORNING CHRONICLE, 12 October 1852.
168. GLOBE, 21 October 1852.
169. IBID.
170. MORNING CHRONICLE, 12 October 1852.
171. JOURNAL DE QUEBEC, 14 October 1852.
172. GLOBE, 21 October 1852.
173. LA MINERVE, 14 October 1852, reported that Mr. Hincks was defended "par Sir Allen McNab qui, lorsqu'il s'agit d'améliorations publiques, a le bon esprit de mettre la politique de côté."
174. MORNING CHRONICLE, 12 October 1852.
175. GLOBE, 21 October 1852.
176. MORNING CHRONICLE, 12 October 1852.
177. GLOBE, 21 October 1852.
178. MORNING CHRONICLE, 12 October 1852.
179. GLOBE, 21 October 1852.
180. MORNING CHRONICLE, 12 October 1852.
181. GLOBE, 21 October 1852.
182. MORNING CHRONICLE, 12 October 1852.
183. GLOBE, 21 October 1852.
184. The following papers reported this exchange in identical accounts: MONTREAL GAZETTE, 14 October 1852, PILOT, 15 October 1852, QUEBEC GAZETTE, 15 October 1852, HAMILTON SPECTATOR DAILY, 19 October 1852 (which copied from MORNING CHRONICLE, 12 October 1852), and HAMILTON SPECTATOR WEEKLY, 21 October 1852.
185. PILOT, 15 October 1852.
186. IBID.

TUESDAY, 12 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Brown,--The Petition of William Brooks and others, of the Town of Sherbrooke; the Petition of the Reverend George C. Street and others, of the Village of Port Stanley; the Petition of J.P. Cushing and others, of the Village of Lennoxville; the Petition of the Reverend J. Hellmuth, Rector, and others, on behalf of the Congregation of the Episcopal Church in the Town of Sherbrooke; the Petition of the Reverend L. Doolittle and others, on behalf of the Congregation of St. George's Church in the Village of Lennoxville; and the Petition of the Reverend James Rogers, Moderator, and George Boulton, Clerk, on behalf of the Kirk Session of the Presbyterian Congregation of Demorestville, County of Prince Edward.

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By Mr. Seymour,--The Petition of Robert Esson and others, of the Village of Napanee.

By Mr. Mongenais,--The Petition of Jean Baptiste Martin, of the Parish of Côteau du Lac; and the Petition of Jacob LaGrange and others, composing the Ottawa Glass Company.

By Mr. Turcotte,--The Petition of Antoine Gilbert and others, of the Parish of Pointe du Lac, County of St. Maurice.

By Mr. Fergusson,--The Petition of T. Sandilands and others, of the Town of Guelph.

By Mr. Ridout,--The Petition of the Board of Trade of the City of Toronto.

By Mr. Langton,--The Petition of John Ferrier and others, of the Township of Dummer; the Petition of Charles Perry and others, of the Town of Peterborough; and the Petition of the Municipality of the Township of Ops.

By the Honorable Mr. Macdonald,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Kingston; and the Petition of J. Counter, Esquire, Mayor, and others, Aldermen, of the City of Kingston, on behalf of the Common Council of the said City.

By Mr. Clapham,--Two Petitions of the Reverend John Murray and others, the Congregation of Leeds in connection with the Presbyterian Church of Canada.

Ordered, That the Petition of Alexander Dempster and others, of the County of Carleton; and the Petition of Ellenor Neilson and others, females, of the Townships of North Gower and Marlborough, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Petition of the Honorable R.U. Harwood and others, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Third Report of the said Committee; which was read, as followeth:--

On the 21st September last, Your Committee advertized for Tenders for the Printing, Binding, and Printing Paper required by Your Honorable House during the present Session; and on the 8th instant, they were received.

Your Committee recommend that the following Tenders be accepted, as being the lowest in price; upon good and sufficient security being proffered for the due and faithful performance of the work required, and for the materials to be furnished, viz:--

Of Mr. John Lowell for that branch styled Sessional Printing.

Of Messieurs Campbell and Perrault for the Journals and Appendices.

Of Messieurs F.C. and A. Dredge for the Binding, and
Of Messieurs Campbell and Perrault for the supply of Printing Paper.

It affords Your Committee much satisfaction to state, that upon the Tenders generally a considerable reduction is made, compared with the prices under the last Contracts, but more particularly, by that embracing the Printing of the Journals and Appendices, comprising the Journals and so much of the Appendix as has not been printed during the Session, including Reports &c. of Ministers, printed during the Recess, which is now tendered for at a reduction over one third of the price of the last Contract.

Your Committee beg leave to make the following recommendations, in reference to the above:--

That the Journals in both Languages be commenced forthwith, and required to be completed within one month after the close of the Session.

That the Manuscript of the Appendix be exhibited to the Contractor in the Clerk's Office at the close of the Session, and the whole to be completed and

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delivered to the Binder within three months from that time.

That no entire blank page be counted or charged for: but fractions of a page to be counted as a page.

The work to be done in as close and compact order as is consistent with good workmanship.

That no charge be made for extra composition, when additional copies are ordered to be printed.

That endorsed Titles outside of folded Bills, Reports, Resolutions, &c., be placed on the same leaf, if half a page is blank; if on a separate leaf, the endorsed Title to be a distinct specified charge.

That the Clerk of the Printed Papers be required to see that all the Printing, Binding, and the quality of Paper are according to contract, and keep a correct account of the number and titles of all documents he receives; and in case of failure by any of the Contractors in fulfilling their engagements, the Clerk of the House shall have power to give the work to other parties, to be performed according to the agreement of the Contractor, prices excepted, without the authority of the Speaker.

And that the Notices of Motions printed daily with the Votes of the House, do in future closely follow the proceedings of each day.

Resolved, That this House doth concur with the Committee in the said Report.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 30th September, praying for, (inter alia)--1st. A Statement shewing, under the usual heads of receipt and expenditure, the Revenue of Canada, and the amount of payments therefrom, during the six months ending 31st July last. 2nd. A Statement of the revenue and expenditure of the Post Office Department for the quarter ending in July last. 3rd. A Statement of the expenses incurred for rent and repairs, and for the purchase of Spencer Wood. 4th. A Statement shewing the heads of expense of the Parliament Buildings for repairs and improvements made since the Government decided to remove from Toronto to Quebec. 5th. A Statement of the expenditure incurred in taking the Census of January last. 7th. [sic] A Return shewing what security, under the provisions of the Statute of Canada 4 & 5 Vic. cap. 91, is given by the following Officers, viz: The Superintendent of Education, East, the Superintendent of Education, West, and the Receiver of Fees in the Provincial Secretary's Office, with the particulars of the last named Officer's income from all sources, and the authorities for the charges for payments made to him.

For the said Return, see Appendix (T.T.)

Ordered, That five hundred Copies of the said Return be printed for the use of the Members of this House.

Ordered, That the Return relative to Light Houses below Quebec, which was presented upon Friday last, be printed for the use of the Members of this House.

Ordered, That the Return relative to the Seigniories held by the Crown in Lower Canada, which was presented yesterday, be printed for the use of the Members of this House.

Ordered, That the Return relative to the Seigniorie of Lauzon, which was presented yesterday, be printed for the use of the Members of this House.

Ordered, That Mr. LeBlanc have leave to bring in a Bill to repeal the twenty-fourth Section of the Act 9 Vic. cap. 37, intituled, "An Act to amend the Law constituting the Board of Works," and to make provisions as well in place of the

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Section repealed, as in amendment of the Laws relating to the said Board.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday the twentieth instant.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to repeal certain parts thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

Ordered, That two hundred and fifty extra copies of the Bill to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to repeal certain parts thereof, be printed in the English language for the use of the Members of this House.

On motion of Mr. Boulton, seconded by Mr. Crawford,

Ordered, That Wednesday in each week be set apart, after the Routine business has been gone through with, to dispose of Private Bills appointed for a second reading, which are intended to be referred to Standing Committees, or to a Committee of the whole House when reference to a Select or Standing Committee is not required by the Rules of the House; the said Bills to be taken up in the order in which they stand on the List of the Orders of the day.

Ordered, That Mr. Sanborn have leave to bring in a Bill for the better securing to Occupiers compensation for ameliorations made by them upon Lands in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Joseph H. Jobin, Esquire, the Honorable William Benjamin Robinson, Roderick McDonald, Esquire, John McDougall, Esquire; Chairman, Thomas Clark Street, Esquire, being the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Prince Edward, their Names were called over; and being come to the table, they were sworn by the Clerk.

Ordered, That the Petition relative to the Election and Return for the County of Prince Edward, be referred to the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for that County.

Ordered, That the said Committee do meet To-morrow, in Committee Room No. 3, of the House, at the hour of Eleven in the forenoon.

A Bill for avoiding doubts as to the true meaning of a certain enactment in the Act regulating Elections of Members of the Legislative Assembly, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Gouin do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the Montreal and New York Railroad Company to extend their Railroad, and to acquire the land necessary for such extension, and for other purposes relative to the said Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

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Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to provide for the appointment of Justices of the Peace for the more remote parts of this Province," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Solicitor General Chauveau do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Mattice, from the Committee to take into consideration the expediency of altering the Tolls now collected on certain articles at Port Burwell Harbour, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to allow the Port Burwell Harbour Company to rearrange their Tariff of Tolls.

The said Resolution, being read a second time, was agreed to.

Resolved, That the said Resolution be referred to a Special Committee of five Members, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Ordered, That Mr. Willson, Mr. Street, Mr. Wright of the East Riding of York, Mr. Dixon, and Mr. Langton, do compose the said Committee.

The Order of the day for the second reading of the Bill to extend the provisions of the eighteenth Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The House, according to Order, resolved itself into a Committee to consider of fixing a Tariff of Fees to be paid by Suitors on certain proceedings in County Courts in Upper Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Fortier reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

The Order of the day for the second reading of the Bill for the Relief of Sufferers by the late Fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said Fire, being read;¹

MR. INSP. GEN. HINCKS moved the second reading of the bill for the relief of the Montreal sufferers².

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The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and the Question being put, That the Bill be now read a second time; the House divided:

and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Cartier, Cauchon, Chabot, Chapais, Christie of GASPE, Clapham, Dixon, Attorney General Drummond, Dumoulin, Fortier, Fournier, Hartman, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, McDonald of CORNWALL, Macdonald of KINGSTON, Malloch, Marchildon, McDougall, Merritt, Mongenais, Morin, Murney, Paige, Patrick, Poulin, Attorney General Richards, Ridout, Robinson, Rose, Sanborn, Shaw, Smith of DURHAM, Smith of FRONTENAC, Stevenson, Street, Taché, Tessier, Turcotte, Varin, Viger, and Willson.--(48.)

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NAYS.

Messieurs Brown, Mackenzie, Mattice, and Seymour.--(4.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

The Bill was then passed through committee, after a great deal of desultory opposition to some of the clauses by MESSRS. BROWN and MACKENZIE.³

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Ridout reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Ridout reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House according to Order, resolved itself into a Committee on the Bill to establish a Consolidated Loan Fund for Upper Canada;⁴

The second clause, which provides for the class of works for which municipalities are to be allowed under the bill to issue bonds [was read]⁵.

MR. MERRITT contended that the provisions of the bill should be extended to bonds issued for improving the navigation of Rivers.⁶

MR. BROWN, MR. LANGTON, and MR. STREET, contended that it should be extended to⁷ common⁸ macadamized Roads and County Bridges.⁹

MR. INSP. GEN. HINCKS thereupon offered to extend the provisions of the bill to loans contracted for macadamized roads, and the improvement of navigable rivers, and proposed to allow the clause to be postponed with the understanding that at the next occasion when the bill was before the committee, he would be prepared with an amendment to that effect. He afterwards proposed the amendment which was passed through the committee.¹⁰

MR. BROWN objected to section 3, of clause 2, by which the Council had power to tax one or more townships, (and not the whole country) for any public work.¹¹

An amendment was agreed to, so that the County Council can only tax particular localities by themselves, when such localities consent to it.¹²

MR. BROWN objected to the County Councils having power to incur large debts, as proposed by the Act, without the special consent of the people¹³.

The bill was so amended that no loan can be negotiated, until the Council makes the declaration that the views of the people have been tested and found favourable to the transaction.¹⁴

On motion of MR. BROWN, the oath of the Treasurer, required by the bill was struck out and a declaration substituted.¹⁵

The additional sum to be raised by the Municipalities under clause VI, to cover contingencies, was reduced from 10 to 5 per cent.¹⁶

Other amendments were made¹⁷.

After a desultory conversation impossible to report, the committee rose and reported progress; and obtained leave to sit again on Friday.¹⁸

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Valois reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Friday next.

*The Order of the day for the second reading of the Bill to provide by one general Law for the incorporation of Electric Telegraph Companies, being read;*¹⁹

MR. PRES. EX. COUN. CAMERON moved the second reading of the bill to provide for the formation of Telegraph Companies.²⁰

MR. BROWN said, adjourn, adjourn; it is now nearly half-past ten.²¹

MR. INSP. GEN. HINCKS and several other members said no.²²

MR. BOULTON opposed the bill, and charged Mr. Cameron with having a private interest in it, he being a large holder of telegraph stock.²³

MR. MACKENZIE ridiculed the argument of Mr. Boulton, and contended that the Charters of the present telegraph companies conferred no exclusive privileges. He said they might as well enact that only one or two lawyers should be employed, or goods be only bought from one merchant.²⁴

MR. BROWN said he was glad the bill was introduced, and complained that the present telegraph companies rendered very inefficient services to the public. It was high time there was opposition.²⁵

A conversation followed, some members speaking from two to half-a-dozen times each, in the course of which MR. PRES. EX. COUN. CAMERON denied that he had any private interest ... in the bill.²⁶

Motion carried.²⁷

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of the Honorable Mr. Robinson, seconded by Mr. Malloch, The House adjourned.*²⁸

APPENDIX: 12 OCTOBER 1852.

[NOTICE OF ENQUIRY RE: CORRESPONDENCE BETWEEN GOVERNMENT AND OFFICERS OF PROVINCIAL LUNATIC ASYLUM.]²⁹

MR. BOULTON has given the following notice:--"Enquiry of Ministry, whether Doctor Scott, Medical Superintendent of the Lunatic Asylum at Toronto, has been removed. If so, what has been the cause of his removal, whether any Correspondence has taken place between the Government, or any Department of the Government, on the subject, or in reference to the interests or management of that Institution, with the Directors of the Asylum, the Medical Superintendent thereof, or any subordinate officer thereof, and whether Doctor Scott, whilst acting as such Medical Superintendent, has intercepted or opened any letters from the government, or any member of the government, to any officer or servant of the Institution, and if so, whether the government or any member of the Government is now in possession of such letters?"³⁰

[WITHDRAWN QUESTION RE: ADMINISTRATION'S COMMERCIAL POLICY.]

MR. YOUNG's question relative to the intentions of the Ministry on the subject of their commercial policy is dropped. The resolutions which he has given notice of, take its place.³¹

FOOTNOTES: 12 OCTOBER 1852.

1. The following papers noted the debate on this matter in identical accounts: MORNING CHRONICLE, 13 October 1852, MONTREAL GAZETTE, 15 October 1852, PILOT, 15 October 1852, QUEBEC GAZETTE, 15 October 1852, BRITISH COLONIST, 19 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852.
2. MONTREAL GAZETTE, 15 October 1852.
3. IBID.
4. The debate on this matter was reported by GLOBE, 23 October 1852. The following papers noted the debate in identical accounts: MORNING CHRONICLE, 13 October 1852, MONTREAL GAZETTE, 15 October 1852, PILOT, 15 October 1852, QUEBEC GAZETTE, 15 October 1852, BRITISH COLONIST, 19 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852. BRITISH COLONIST, 19 October 1852, contained the following commentary: "The House spent a good deal of time in Committee of the whole, on the consolidated Municipal Loan Fund Bill, and went through a number of clauses. Several exceptions were taken and will be put in the shape of amendments, when the bill comes before the House again. Very few members were present when it was in Committee. The conversation was altogether desultory, and the best order was not maintained. I may add that the objections raised were of a similar character to those which you have already published in the debates on the second reading of the bill."
5. MONTREAL GAZETTE, 15 October 1852.
6. GLOBE, 23 October 1852.
7. IBID.
8. MONTREAL GAZETTE, 15 October 1852.
9. GLOBE, 23 October 1852.
10. MONTREAL GAZETTE, 15 October 1852.
11. GLOBE, 23 October 1852.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. GLOBE, 23 October 1852, which added that the amendments made were "calculated greatly to improve it--and the Inspector General is entitled to credit for the readiness with which he agreed to suggestions to that end. The chief, nearly the sole objection, now remaining against the bill, is the enormous power it places in the hands of Government."
18. MONTREAL GAZETTE, 15 October 1852.
19. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 15 October 1852, PILOT, 15 October 1852, QUEBEC GAZETTE, 15 October 1852, BRITISH COLONIST, 19 October 1852, EXAMINER, 20 October 1852, and HAMILTON SPECTATOR WEEKLY, 21 October 1852.
20. MONTREAL GAZETTE, 15 October 1852.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. BRITISH COLONIST, 19 October 1852, noted that: "THE SPEAKER gives another dinner tonight. He has certainly so far discharged the duties of his office in a very impartial manner, and if he has had any leanings they have been against, rather than for, the Ministry. I think he will end by becoming very popular."

29. The following papers noted the debate on this matter in identical accounts: BRITISH WHIG, 14 October 1852, GLOBE, 14 October 1852, MONTREAL GAZETTE, 14 October 1852, PILOT, 14 October 1852, BRITISH COLONIST, 15 October 1852, OTTAWA CITIZEN, 16 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, and BATHURST COURIER, 22 October 1852. A commentary appeared in BRITISH COLONIST, 19 October 1852.
30. BRITISH COLONIST, 19 October 1852, which added: "Now this proposed question appears to be a very extraordinary one; but, of course, I cannot know what reasons Mr. Boulton has; such questions, it is clear, should not be asked publicly in the House upon slight information. The inference of Mr. Boulton is not creditable to Doctor Scott. He, however, will know how to defend himself; and the public in the meantime will not believe that a professional gentleman has intercepted and opened letters addressed to another in the absence of positive evidence."
31. BRITISH COLONIST, 19 October 1852.

WEDNESDAY, 13 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron,--The Petition of William Armstrong and others, of the Town of Sydenham, and adjacent Townships, County of Grey; and the Petition of Alexander Madwayosh, Chief, and others, Aboriginal Canadians, residing on the Peninsula between Lake Huron and the Georgian Bay.

Pursuant to the Order of the day, the following Petitions were read:--

Of J.A. Charlebois and others, of the Parishes of St. Polycarpe and St. Zotique and other places, in the County of Vaudreuil; praying that the County Seat of the said County may be removed to the little Village of Ruisseau St. Hyacinthe, in the Parish of Côteau du Lac.

Of the Municipality of the Village of Paris; praying for certain amendments to the Municipal Corporations and the Assessment Acts.

Of Thomas Davis and others, on behalf of the Congregation of Stoney Creek, in the Township of Saltfleet; of Samuel Spreull and others, Members of the first and second Presbyterian Congregations, and the Reformed Presbyterian Congregation of

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Toronto; of William Houston and others, of the Township of Ramsay; of the Municipality of the Township of Puslinch; of the Reverend T.B. Fuller and others, Members of the United Church of England and Ireland, in the Rectory of Thorold, Diocese of Toronto; and of the Reverend Giffard Dorly and others, the Congregation of St. Sylvester, in connection with the British Wesleyan Methodist Church; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on Canals and Railways.

Of His Grace the Archbishop of Quebec, Patron, and others, the Officers of the Catholic Institute of St. Roch of Quebec; praying that the Catholics of Upper Canada may be granted the privileges, with reference to separate Schools, for which they have petitioned during the present Session.

Of A. Côté and others, Printers and Proprietors of Printing Establishments, of the City of Quebec; praying that the Duty imposed upon Printing Presses imported into this Province may be abolished.

Of the Honorable R.U. Harwood; representing that a certain Return to an Address of the Legislative Assembly for Titles and documents relating to the Seigniorial Tenure, as printed and circulated in the English Language, does not contain a true translation of the Title of the Seignior of Vaudreuil and others,--and praying that the error therein may be corrected before any evil results from the circulation thereof.

Of the Municipality of the Township of Pelham; praying that the Jurisdiction of Division Courts in Upper Canada may be extended to sums of one hundred pounds.

Ordered, That the Petition of the Municipality of the Township of Cavan; the Petition of the Municipality of the Township of South Monaghan; the Petition of the Municipality of the Township of Hope; the Petition of the Peterborough and Port Hope Railway Company; and the Petition of the Municipal Council of the Town of Port Hope, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Polette reported from the General Committee of Elections, the Names of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, to which they had annexed the Petitions referred to them by the House relative thereto:--And the Names of the Committee were read, as follow:--Thomas C. Dixon, Esquire, Seneca Paige, Esquire, Hazard B. Terrill, Esquire, Michel F. Valois,

Esquire; Chairman, Louis V. Sicotte, Esquire.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize the Town of Dundas to grant its security to the Great Western Railroad Company on the behalf of the Desjardins Canal Company for certain improvements on the said Canal, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Your Committee have also examined the Bill for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same, and have agreed to report the same without any amendment.

Mr. Fortier, from the Select Committee appointed to enquire into the system upon which Lands have been conceded and sold in the Townships of Lower Canada,

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and into the causes which obstruct the settlement of the said Townships, and to report the best mode for correcting existing abuses, with power to report from time to time, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee authorized their Chairman, on the third of September last, to move in Your Honorable House an humble Address to His Excellency the Governor General, praying for copies of Instructions given by the Imperial Government to the Governors, Lieutenant Governors, or Administrators of Lower Canada, having reference to grants of Land made by way of reward or otherwise, and also, to the sales of uncultivated Crown Lands in Lower Canada.

As Your Committee was unable without these documents to proceed in the enquiry, the Chairman of Your Committee, on the first of October instant, inquired of Ministers, why no Return had been made to the said Address;--the Ministers of the Administration made answer, by the Honorable the Secretary of the Province, on the fourth of October, that the affair had been forgotten, but that Government would make the Return as soon as possible.

Twelve days have elapsed, and no Return has been made to the said Address. This entirely deprives Your Committee of the power of proceeding in their enquiry, which is of the highest importance for the welfare and promotion of the settlement of the Townships of Lower Canada.

Your Committee must remark to Your Honorable House, that the cause which thus arrests their labors being unknown to the public, they stand a mark for censure which they are far from deserving.

Your Committee, therefore, consider it to be their duty to inform Your Honorable House of the cause which interrupts their proceedings.

DR. FORTIER président du comité spécial nommé pour s'enquérir du système d'après lequel les terres ont été concédées et vendues dans les townships du Bas-Canada et des causes qui ont retardé la colonisation des dits townships, a fait rapport à la chambre que, le comité n'a pu procéder à son enquête parce que le gouvernement ne lui avait pas communiqué les instructions et documents nécessaires demandés par une adresse de la chambre en date du 3 de septembre dernier.¹

MR. PROV. SEC. MORIN, se levant aussitôt, dit qu'il était peu convenable de voir un comité censurer le gouvernement pour n'avoir pas mis devant la chambre des documents volumineux qu'on ne savait trop où prendre et qui embrassaient une période aussi reculée que celle de la conquête du pays. Qu'il a fallu un temps considérable pour trouver ces documents et pour les faire copier. Que le gouver-

nement a employé toute la diligence convenable en cette occasion, comme en toute autre! Que personne n'a le droit de reprocher au gouvernement de perdre du temps, lorsque tous les loisirs des ministres sont employés constamment au service public. Qu'au reste il repousse la censure du comité et de son président.

M. Morin met alors devant la chambre les documents demandés.²

DR. FORTIER réplique que le gouvernement a eu plus d'un mois pour transmettre ces documents, et que les raisons données par M. Morin ne justifient pas le délai apporté dans la communication de ces documents. Qu'il est bon de rappeler de temps à autre, aux officiers publics, les devoirs qu'ils ont à remplir, et que la censure quand elle est méritée, ne doit pas leur être épargnée. Pour moi, ajoute M. Fortier, j'aurai toujours assez d'indépendance pour censurer le gouvernement quand je croirai qu'il manque à son devoir.³

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The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 3rd September, 1852, for copies of all Instructions given by the Imperial Government to the Governors, Lieutenant Governors, or Administrators of the Government of Lower Canada, relative to grants of Land by way of reward or otherwise; and also, to the Sales of uncultivated Crown Lands in Lower Canada.

For the said Return, see Appendix (U.U.)

Ordered, That the said Return be referred to the Select Committee appointed to enquire into the system upon which Lands have been conceded and sold in the Townships of Lower Canada, and into the causes which obstruct the settlement of the said Townships.

Mr. LeBlanc, from the Standing Committee on Standing Orders, presented to the House the Seventeenth Report of the said Committee; which was read, as follows:--

Your Committee have examined the Petition of the Niagara Harbour and Dock Company, and Clark Gamble, Esquire, for certain amendments to the Act of last Session relating to the said Company, and are of opinion that none of the amendments sought to be obtained are of such a nature as to require Notice.

With regard to the Petition of John Corbitt and others, praying that the Townships of Biddulph and McGillivray may be attached to the County of Middlesex, Your Committee find that no Notices have been given.

On motion of Mr. Street, seconded by Mr. Jobin,

Ordered, That the Select Committee on the Prince Edward Election Petition have leave to adjourn until Wednesday next, in order to allow the Petitioners time to produce their Witnesses.

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Ordered, That the Bill for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same, be read the third time To-morrow.

Ordered, That the Bill to authorize the Town of Dundas to grant its security to the Great Western Railroad Company on behalf of the Desjardins Canal Company for certain improvements on the said Canal, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Reports of the

Commissioners appointed under the "Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years One thousand eight hundred and thirty-seven and One thousand eight and thirty-eight."

For the said Reports, see Appendix (V.V.)

Ordered, That the said Reports, and accompanying documents, exclusive of those parts of the Reports of Awards which relate to admitted cases, be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to incorporate the Pickering Harbour and Road Joint Stock Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to vest the Harbour of Port Hope, and adjacent premises, in Commissioners, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to convey portions of a certain Road allowance in the Township of Barton, between Lots 14 and 15, in the fourth Concession, to James Hamilton and others, as Devisees in trust of P.H. Hamilton, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act extending the powers of the British America Fire and Life Assurance Company on Marine Assurance, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to legalize and continue the Municipal Corporation of the Township of Torbolton," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

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The Order of the day for the second reading of the Bill further to amend the Act incorporating the President, Directors and Company of Port Burwell Harbour, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to detach, for Judicial purposes, the Settlements of Ste. Anne des Monts and Cap Chat from the District of Gaspé, and to annex the same to the District of Kamouraska, being read;

The Bill was accordingly read a second time; and ordered to be read the third time on Monday next.

The Order of the day for the second reading of the Bill to incorporate the St. Mary's College of Montreal, being read;

*The Honorable Mr. Young moved, seconded by Mr. Cartier, and the Question being proposed, That the Bill be now read a second time;*⁴

MR. YOUNG moved the second reading of his bill to incorporate St. Mary's College, Montreal.⁵

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And a Debate arising thereupon;

MR. BROWN en entendant les mots Sainte-Marie, se leva ... et demanda qu'il ne fut pas procédé sur ce bill, puisque M. Drummond a introduit un projet de loi générale pour l'incorporation des institutions de cette nature.⁶ Mr. Brown said, this was one of those numerous bills for the erecting of Ecclesiastical Corporations, which had been crowded through the Legislature of late years. The object of this bill was to constitute the Roman Catholic Bishop of Montreal, and one or two of his clergy, a close corporation, with power to hold real estate to the value of £1,500 per annum. It contained no restriction as to the manner of acquiring property, and no guarantee that the limit placed upon it would be observed. The rate at which these corporations were increasing, was sufficient to excite [sic] alarm. There were already not less than seven millions of acres in Canada devoted to charitable uses, and from their daily increasing number, and the rapid rise in value of real estate, the day was not far distant when the most serious consequences might arise from this ill-advised system of endowment. It must never be forgotten, moreover, that though this vast property was distributed among a number of corporations--though to-day it was the brothers of this order and to-morrow the sisters of that other order who were chartered--still, the great majority of them were all under one control, under vows of strict subservience to one Hierarchy. A general system of control over the temporal affairs of these corporations was absolutely necessary. The Attorney General East had a bill before the House, professedly to effect this end, and which, if it passed, would remove necessity for this bill; the subject was a very broad one, and most interesting as a question of political economy; and it would be thoroughly discussed on the introduction of the bill of the hon. and learned gentleman. He thought, therefore, it would be inexpedient to raise the discussion on this bill, and he hoped the hon. member for Montreal would withdraw it, until the bill of the Attorney General had been considered.⁷

MR. YOUNG did not see any objection to the bill being read a second time, and referred to a select committee. It asked for no greater powers than those enjoyed by Protestants.⁸ [He] said, this college of learning is engaged in extensive teaching of youth; and the amount of its funds is not large, considering the state of the institution.⁹

MR. BOULTON was satisfied that the proper course was, to embody all these institutions in one general bill, such as was proposed by the Attorney General, East. He was opposed to the multiplicity of bills which is the result of legislation in this Province, and which annually costs a large sum to distribute. He hoped the Government would resist the introduction of private bills, until some general measure shall either have been adopted or rejected.¹⁰

MR. AT. GEN. DRUMMOND perfectly agreed with the member for Toronto; and said it was no fault of his that the general bill referred to had not been brought forward; but he thought all the private bills before the House should be postponed until some action had been had on the general bill.¹¹ [Il] reprocha à M. Brown son manque de sincérité en voulant empêcher de procéder sur le bill de M. Young, sous le prétexte qu'il y a devant la chambre un projet de loi générale pour incorporer les institutions d'éducation et charitables, tandis que dans son journal le Globe, il dit qu'il faut faire à ce projet de loi une opposition sans fin.¹² The hon. member for Kent had demanded for years such a measure, and he now terms

it a popish affair that must be put down. He trusted that persons who desire to be incorporated in this instance, would obtain the sanction of the Legislature, as is the case on the other side of the line, and everywhere else where religious liberty prevails; and the same suspicion is not manifested as to the amount of property invested. He understood the member for Kent as being desirous of restricting the amount of property to be held by ecclesiastical corporations. Well, such was the intention of the Government, and that assurance ought to satisfy him. When persons are desirous of investing their property for the relief of their fellow creatures, he thought it was going too far to ask them how much they intended to take from their private funds and give to the poor. A general Act, he said, would be of great importance if it were only to effect a saving in the expense that is annually incurred in deluging the country with the forms of legislation. He did not think it would be right to mix Acts connected with mercantile affairs, with those of a religious character; but the laws should be classified, and the result would be a great saving of expense to the country, not only in printing, but in the immense sum that must be given to lawyers to decipher them and ascertain which of them relate to Corporations and which do not.¹³

MR. BROWN said, he perfectly understood the object of the tirade which had fallen from the Attorney General--but he did not understand its propriety. When had he used the expression that this was a Popish measure and must be put down? The objection he urged against this bill was, that it did not properly guard the public interests of the country. He was opposed to granting the right of holding real estate for endowment to any religious corporations, of whatever denomination. If the Legislature continued to grant these acts as they had been doing, these Societies would have an amount of property in their hands, which would be ruinous to the advancement of the Province. Last year he opposed Corporation Bills connected with the Church of England, as strenuously as he did the present bill, because they interfered with the rights of the people. It was a broad question which commanded the best consideration of statesmen of every country; and although the Attorney General East had referred to some of the neighbouring States, yet, others had acted very differently from what he had represented; and, in Roman Catholic countries, the right of ecclesiastics to acquire property had been often and again forbidden, and when swollen to a dangerous extent, church property had been taken away by the strong arm of power--as would not be difficult to show when the subject again comes up. Under the present bill, real estate, to an amount that would yield an annual income of £1500 per annum, will be locked up, which, at the same rate that the seven millions of acres held by existing ecclesiastical bodies is yielding, it will require lands to the value of nearly £100,000 to produce. To pass such an act without consideration, would be most ill advised.¹⁴

MR. AT. GEN. DRUMMOND said, perhaps he was wrong in attributing sentiments to the member for Kent, which he read in the Globe; and he read some remarks continued [sic] in that paper with reference to the general bill, to sustain the view he had taken.¹⁵

MR. CARTIER ... on the contrary, desired him [Mr. Young] to persevere¹⁶ and spoke at some length in its [the bill's] favour.¹⁷ Mr. Cartier said, he would always be opposed to hypocrisy whether connected with Jesuitism, or the Baptist, or Free Kirk, and would struggle against it, and put it down, because his religion pretended to be universal. He was not surprised at the opposition from the member for Kent. He had expressed his sentiments very fully in the Globe, with reference to the general bill, and now he advises the mover of that before the House, to wait till after the other had been disposed of. He (Mr. C.) did not pretend to doubt the sincerity of the hon. member, but when he stated that the bill of the

Attorney General was to be resisted, and was at the same time urging the member for Montreal to postpone his measure, he put it to the House, whether that was hypocrisy or not.¹⁸

MR. BROWN said he was opposed to both bills, but he wished the full discussion to be on the general act, and the other to be postponed meanwhile.¹⁹

MR. CARTIER [continued:] The member for Kent had spoken of the large amount of property that might be invested under the bill: but there is a clause in it which is not in the Attorney General's bill, which authorises the transfer of property, that will yield a revenue of £1500 per annum, which at present belongs to one of its members. He would state, for the information of the member for Kent, that a reverend gentleman at Montreal, who possesses twelve or fifteen thousand pounds, intends investing it in this Corporation; consequently, he thought the House would not object to the College having the income sought for, when it would all be derived from one of its members.²⁰

MR. MACKENZIE opposed the bill.²¹ [He] said the object of the Institution was doubtless an excellent one--that of disseminating education; but the effect of placing such large means at the disposal of religious communities, involving large tracts of lands, would be to disconnect this country from Europe, and to change the state of society altogether. If gentlemen would look at the history of Scotland, it would be found that a large amount of property, held by the clergy there, produced the loss of it altogether;--in England it was the same, and the nobles there at present, held their titles to estates which formerly belonged to the ecclesiastical order; who formerly did what is now effected by the Poor Laws and Assessment. In France, at the time of the revolution, at the close of the last session, the object was to get possession of what the clergy of the Church of Rome had possessed themselves, and which, when existing to any great extent had been deemed dangerous in all countries; this would be found to be the case in Italy, and it would be found that in this country, education goes down as the funds of the church accumulate, and the people are reduced to a most wretched state. He was not, as had been represented, pandering to any particular Church; his conduct had been uniform--and last year he had opposed the charter to the Toronto College, and voted against it. The bill went to place in perpetuity, a large extent of country, equal to 125 miles by 125 in the hands of the Church of Rome; and what information does the Legislature obtain as to the expenditure of such enormous funds, either for educational or ecclesiastical purposes? As to any information which the bill may profess to furnish, he considered it merely illusory. If one third of the lands of the Province is bestowed on the clergy, who will not fight, there will be a reaction; it should be recollected that in 1837, the people forsook their Priests, and they would do it again. He considered those large endowments for ecclesiastical purposes as being fatal to liberty, and which the people will ultimately grasp. He denied having sold himself to any one, as had been reported; and he thought the course pursued by the member for Kent, is calculated to produce the impression, that the people of Upper Canada having obtained possession of the Clergy Reserves, would direct their attention to the large endowments of the Church of Rome in Lower Canada. Let gentlemen point out any country where liberty flourished, where people cannot express themselves independently, which cannot be the case where they are tenants; and while he admitted the good qualities of the Clergy of the Church of Rome in this Province, yet he was satisfied that placing large tracts of the country at their disposal, would be wrong.²²

MR. PROV. SEC. MORIN parla ... dans le même sens que M. Drummond.²³ [He] did not know the page of history to which the member for Haldimand referred, or he did not read it as he did. As to seven millions of acres of land being at the disposal

of the Roman Catholic Clergy, the statement was not correct. Taking the amount appropriated in Seigniories for educational and other purposes, it does not follow that there is that quantity of land at the disposal of ecclesiastical bodies. He could go farther and say, that there is not a Corporation of that description, which owns a thousand acres of land. It is true that some of them held Seigniories; but they only yield two pence per acre, which it is proposed to exact in cases of computation. His idea of religious liberty, was to allow every man to act as he pleased with reference to religion.²⁴

MR. PAPINEAU²⁵ spoke in favour of the bill, on the ground that the Catholic Colleges in general had done, and this in particular was likely to do much good to the youth of the country, and that the power and riches of the Church had reduced Spain²⁶, Italy and other countries to a²⁷ dreadful condition of misery and servilancy [*sic*]. The socialist spirit of Canadian society, the position of Canada towards England and its geographical position towards the States would always prevent any danger to the country from this cause.²⁸ [He] said, there were documents that were accessible to members, which ought to do away with that apprehension of the absorption of property, which gentlemen pretend to feel. By those documents it would be found that at the University of Upper Canada, the education of an individual has cost £60, while in the colleges of Lower Canada, an education equally good, could be obtained for less than £20; which shows that these institutions are not established for the purpose of absorbing funds for the payment of large salaries, and to enable their professors to wallow in wealth, but to instruct the youth of the country.²⁹ He contended ... that while Teachers sought the good of others they gained nothing but privation for themselves.³⁰ There had been no charge brought of attempting to convert them; but the professors of these colleges had given a civil and moral education, which ought to entitle them to the thanks of every friend of mankind. Persons had tried in other times and other countries to engender mistrust and suspicion. Let them remember, that where the people are brought to live together in harmony, there is no fear of intolerance prevailing;--there is no fear of the Roman power, which has obtained an ascendancy in those countries, where only one religion is tolerated; and where, at one time, the superstition of the people was such, that the Church threatened to absorb the wealth of the entire country.³¹ Finally, while he praised Protestantism for the freedom and happiness it had conquered, not for itself only but for humanity, in releasing the mind from dictation, in spreading enlightenment, in suppressing the Inquisition, its tyrannies, and its abominations, he held that it could only lose ground on this continent by forgetting its own principles and, having proclaimed the right of free discussion, becoming a persecutor of others.³² The Clergy, he said, would soon learn that they cannot retain their position, except by a tolerant course towards each other. In these countries, where one religion prevails, as in Spain and Italy, and where Church and State have played into each other's hands, the entire wealth of the country has been absorbed and placed in the hands of the aristocracy and the clergy, and has ended in the absorption of large territory. Members, he said, who were opposed to the bill had expressed surprise at the proposal to allow the College at Montreal an income of £1,500 per annum, and had alluded to the amount of land which they conceived would be thus held in mortmain; whereas that sum would only support the teachers moderately; and property would not be absorbed in large tracts of land, but in towns, where it would rapidly increase in value. The Professors of the College would not be able to substitute coaches for the calesche [*sic*], but would be enabled to do good to others as well as themselves. And with a free press and the jealousy of the people, there could be no fear of the clergy being able to administer to an appetite for the acquirement of wealth. The country, he concluded by saying, does not furnish a sufficient number of youth for the duties of the Church; and consequently they have to be brought from other countries.³³

MR. CAUCHON dit qu'il n'est pas en principe contre le bill de M. Drummond; mais comme il est convaincu que ce bill n'a été introduit que pour satisfaire ses alliés clear-grits qui, n'ayant pas le courage de voter sur chaque acte d'incorporation d'institutions catholiques dans la crainte de blesser leurs électeurs, ont demandé une loi générale d'incorporation de ces institutions.³⁴ Le gouvernement ne proposait son bill général que parce que ses amis haut-Canadiens n'osaient pas voter pour les divers actes d'incorporation soumis de temps à autre à la chambre, parce que les électeurs de ces amis détestaient les institutions que ces actes ont pour but de créer.³⁵ Mr. Cauchon hoped the hon. member would not abandon his bill. He declaimed at some length against the opposition to such incorporations, and censured the government for being affected by it. He opposed the principle of a general bill, and thought the House should have the courage to pass private ones.³⁶

MR. TURCOTTE replied to Mr. Cauchon, and spoke in favour of a general bill.³⁷

A few desultory remarks [ensued.]³⁸

MR. YOUNG consentit à retirer sa motion [sic].³⁹

MR. CAUCHON, observing the anxiety of the Clear-grits about the vote, objected to the withdrawal⁴⁰. [Il] ne voulut pas y consentir, pour forcer les députés clear-grits à voter et à mettre au jour leur hostilité à nos institutions.⁴¹

MR. HARTMAN exprima le désir que M. Cauchon ne forçât lui et ses amis à voter contre la mesure de M. Young.⁴²

SIR A. MACNAB ... suggested that the debate might be postponed⁴³.

MR. BOULTON [fit motion que] les débats sur cette question ... [soient] remis à huit jours.⁴⁴

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*On Motion of Mr. Boulton, seconded by Mr. Patrick,
Ordered, That the Debate be adjourned until Wednesday next.*⁴⁵

The Order of the day for the second reading of the Bill to amend the Act incorporating the Provincial Mutual and General Insurance Company of the City of Toronto, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to incorporate the Orphan's Home and Female Aid Society of Toronto," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to allow the Fabriques of the Diocese of Quebec to form a Mutual Insurance Company, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of the Honorable Mr. Chabot, Mr. Cartier, Mr. Polette, Mr. Lacoste, and Mr. Chapais, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to explain the Act, intituled, "An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemin, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester," being read;

Ordered, That the Bill be read a second time on Wednesday next.

The Order of the day for the second reading of the Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

On motion of the Honorable Mr. Merritt, seconded by Mr. Christie of Wentworth, Ordered, That it be an Instruction to the said Committee to take into consideration the expediency of amending the said Bill, by authorizing the said Company also to construct a Branch Railway from such point on the said Great Western Railroad to Port Dalhousie, on Lake Ontario, as they may deem most advantageous.

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The Order of the day for the second reading of the Bill to authorize the construction of a Railroad from Galt to Guelph, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Toronto and Guelph Railway Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the second reading of the Bill to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-Laws for the better government of that part of said Township which lies in the immediate vicinity of the Falls of Niagara, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Charter of the City of Toronto Gas Light and Water Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Carouge Pier, Wharf, and Dock Company, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Tessier, the Honorable Mr. Merritt, the Honorable Mr. Robinson, Mr. Stuart, Mr. Dubord, Mr. Wright of the East Riding of York, and Mr. Crawford, to report thereon with all convenient speed: with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to establish and ascertain the rights of the Co-proprietors of the Common of St. Antoine de La Baie, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act, intitled, "An Act to incorporate the Hamilton Gas Light Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Trustees of the Hamilton Orphan Asylum, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Bytown and Prescott Railway Company, being read;

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The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of day for the second reading of the Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Smith of Frontenac, seconded by Mr. Christie of Gaspé, The House adjourned.

APPENDIX: 13 OCTOBER 1852.

[NOTICE OF MOTION RE: INDEMNIFICATION FOR REBELLION PROPERTY LOSSES IN LOWER CANADA.]⁴⁶

MR. PROV. SEC. MORIN gave notice of a bill to render effectual certain proceedings under the act to provide for the indemnification of parties in Lower Canada whose property was destroyed during the rebellion.⁴⁷

[NOTICE OF ADDRESS RE: DUTIES ON RED PINE TIMBER AND THE REPORT OF THE COMMISSIONER OF CROWN LANDS.]

MR. PATRICK [gave notice that] on Friday next [he will move an] Address to His Excellency the Governor General, praying Him to cause to be laid before this House, all Documents relative to the reduction of the Duties on Red Pine Timber, and the Report of the Commissioner of Crown Lands thereon.⁴⁸

[NOTICE OF ADDRESS RE: FINANCIAL REPORT CONCERNING FIRE DEBENTURES.]

MR. DUBORD [gave notice that] on Friday next [he will move an] Address to His Excellency the Governor General, praying that He will cause to be reported to this House the amounts which may have been repaid on the Fire Debentures under the Act 9, Vic. cap. 62, and other subsequent Act[s] amending the same whether principal or interest, particularising each separate amount, the expense incurred in salaries to the different persons employed, the costs incurred in suits at law, the names of the parties employed as Advocates, the names of the persons employed in the collection of the said Debentures, the names of the Securities, and also the amount of the sums lost by the defalcation [sic] of one of the officers, and whether the Securities have made good the said sums.⁴⁹

[QUESTION AND ANSWER RE: BRANCH RAILWAYS TO CONNECT WITH THE QUEBEC AND RICHMOND RAILWAY.]

MR. CLAPHAM ... [asked the] ministry whether it is their intention to stipulate with the Quebec and Richmond Railway Company for the construction of single track rails, to communicate with the populous and productive settlements in the townships of Leeds, Ireland, Wolfestown, Halifax, Inverness, and Nelson, and the seigniories of St. Sylvestre, St. Croix, and St. Giles, and the Quebec and Richmond Railway, aforesaid.⁵⁰

MR. INSP. GEN. HINCKS replied that he had no doubt from the importance of the sections of country interested in having branch railways to communicate with the Main Trunk line, that the company would see the advantage of establishing them, but that government had no direct influence in promoting the object.⁵¹

FOOTNOTES: 13 OCTOBER 1852.

1. JOURNAL DE QUEBEC, 16 October 1852.
2. IBID.
3. IBID.
4. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 14 October 1852, QUEBEC GAZETTE, 15 October 1852, and EXAMINER, 20 October 1852. The following papers reported the debate on this matter in partially identical accounts: BRITISH WHIG, 14 October 1852, MONTREAL GAZETTE, 14 October 1852, GLOBE, 14 October 1852, PILOT, 14 October 1852, BRITISH COLONIST, 14 October 1852, OTTAWA CITIZEN, 16 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and LA MINERVE, 14 October 1852. The debate was also reported by GLOBE, 23 October 1852, in two separate accounts. Commentaries appeared in JOURNAL DE QUEBEC, 14, 16 October 1852, JOURNAL DE QUEBEC, 14 October 1852, noting that "des débats s'engagèrent sur cette mesure, et durèrent assez longtemps."
5. GLOBE, 23 October 1852.
6. JOURNAL DE QUEBEC, 16 October 1852, which commented that "M. Brown ... se leva comme poussé par un ressort...."
7. GLOBE, 23 October 1852.
8. QUEBEC GAZETTE, 15 October 1852.
9. GLOBE, 23 October 1852.
10. IBID.
11. IBID.
12. JOURNAL DE QUEBEC, 16 October 1852.
13. GLOBE, 23 October 1852.
14. IBID.
15. IBID.
16. MONTREAL GAZETTE, 14 October 1852.
17. QUEBEC GAZETTE, 15 October 1852.
18. GLOBE, 23 October 1852.
19. IBID.
20. IBID.
21. QUEBEC GAZETTE, 15 October 1852.
22. GLOBE, 23 October 1852.
23. JOURNAL DE QUEBEC, 16 October 1852.
24. GLOBE, 23 October 1852.
25. MORNING CHRONICLE, 14 October 1852, attributed this speech in error to Mr. Mackenzie. JOURNAL DE QUEBEC, 16 October 1852, commented that "M. Papineau dans un excellent discours, fait l'éloge des institutions d'éducation du Bas-Canada auquel [sic] le pays doit une éternelle reconnaissance."
26. BRITISH COLONIST, 15 October 1852.
27. BRITISH WHIG, 14 October 1852.
28. BRITISH COLONIST, 15 October 1852.
29. GLOBE, 23 October 1852.
30. BRITISH WHIG, 14 October 1852.
31. GLOBE, 23 October 1852.
32. BRITISH WHIG, 14 October 1852.
33. GLOBE, 23 October 1852.
34. JOURNAL DE QUEBEC, 16 October 1852.
35. IBID., 14 October 1852.
36. QUEBEC GAZETTE, 15 October 1852. MORNING CHRONICLE, 14 October 1852, EXAMINER, 20 October 1852, and GLOBE, 23 October 1852 (in only one of its two accounts of this debate), reported in error that Mr. Cauchon opposed the principle of a private bill, and thought the House should have the courage to pass general

ones." The emphasis was added by the editor.

37. QUEBEC GAZETTE, 15 October 1852.
38. BRITISH WHIG, 14 October 1852.
39. JOURNAL DE QUEBEC, 14 October 1852.
40. GLOBE, 23 October 1852.
41. JOURNAL DE QUEBEC, 14 October 1852. GLOBE, 23 October 1852, noted that "the vote was about to be taken." JOURNAL DE QUEBEC, 14 October 1852, reported that "M. Rolph qui se trouvait présent au commencement de la discussion, s'esquiva," and commented as follows:
 "Il faut remarquer que c'est la troisième fois au moins que M. Rolph laisse la chambre pour échapper à la conséquence de ses votes.
 Courage, homme indépendants!"
42. JOURNAL DE QUEBEC, 14 October 1852.
43. GLOBE, 23 October 1852. In its account of Mr. Rolph's exit, GLOBE, 23 October 1852, commented that: "Sir Allan MacNab, however, came to the rescue ... and the shirking gentleman of Upper Canada escaped for one night more."
44. JOURNAL DE QUEBEC, 16 October 1852.
45. The following papers noted in error that the motion was withdrawn, when in fact it was postponed: MORNING CHRONICLE, 14 October 1852, QUEBEC GAZETTE, 15 October 1852, and EXAMINER, 20 October 1852, in identical accounts; and GLOBE, 23 October 1852.
46. The following papers reported this notice of motion in identical accounts: HAMILTON SPECTATOR DAILY, 15 October 1852, BRITISH COLONIST, 15 October 1852, GLOBE, 16 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, and OTTAWA CITIZEN, 23 October 1852.
47. HAMILTON SPECTATOR DAILY, 15 October 1852.
48. MONTREAL GAZETTE, 18 October 1852.
49. IBID.
50. IBID.
51. IBID.

THURSDAY, 14 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Young,--The Petition of John Dougall and others, the Office-Bearers of the Montreal Temperance Society.

By Mr. Cartier,--The Petition of the Right Reverend the Roman Catholic Bishops of Montreal and St. Hyacinthe, and other Inhabitants of the District of Montreal.

By Mr. Egan,--The Petition of the Municipal Council of the second Municipality of the County of Ottawa.

By Mr. LeBlanc,--The Petition of J. Keith, Esquire, and others, of St. Clément and other Parishes in the County of Beauharnois; and the Petition of James Reid, Esquire, and others, of Godwinchester and other places in the County of Beauharnois.

By Mr. Poulin,--The Petition of Henry E. Warner, of the Parish of St. George de Henryville, County of Rouville.

By the Honorable Mr. Rolph,--The Petition of the Reverend Francis Evans and others, of Simcoe, County of Norfolk; and the Petition of the Reverend George Bell and others, Members of the Presbyterian Church at Simcoe in connection with the Church of Scotland.

Pursuant to the Order of the day, the following Petitions were read:--

Of William Brooks and others, of the Town of Sherbrooke; of the Reverend George C. Street and others, of the Village of Port Stanley; of J. P. Cushing and others, of the Village of Lennoxville; of the Reverend J. Hellmuth, Rector, and others, on behalf of the Congregation of the Episcopal Church in the Town of Sherbrooke; of the Reverend L. Doolittle and others, on behalf of the Congregation of St. George's Church in the Village of Lennoxville; of the Reverend James Rogers,

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Moderator, and George Boulter, Clerk, on behalf of the Kirk Session of the Presbyterian Congregation of Demorestville, County of Prince Edward; of Robert Esson and others, of the Village of Napanee; of T. Sandilands and others, of the Town of Guelph; and of the Reverend John Murray and others, the Congregation of Leeds in connection with the Presbyterian Church of Canada; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and also on the Provincial Canals.

Of Jean Baptiste Martin, of the Parish of Côteau du Lac; representing that in consequence of the passing of an Act granting to the Honorable Mr. DeBeaujeu an original allowance for Road in the said Parish, he has been deprived of all communication between his property and the public Road, and praying to be indemnified for damage thereby done to his property, or that a Road be provided for him through the property of the said Mr. DeBeaujeu.

Of Jacob LaGrange and others, composing the Ottawa Glass Company; praying that a protective Duty be imposed upon Window and Sheet Glass of Foreign Manufacture imported into this Province.

Of Antoine Gilbert and others, of the Parish of Pointe du Lac, County of St. Maurice; praying for the repeal of the present Education Law of Lower Canada, and the re-establishment of the former system of voluntary contribution.

Of the Board of Trade of the City of Toronto; praying that any proposition for a return to the system of differential Duties in favor of the St. Lawrence, or the imposition of a higher rate of Toll on American than on Canadian Vessels passing through the Canals, may not be adopted.

Of John Ferrier and others, of the Township of Dummer; praying for the repeal of the Acts 13 & 14 Vic. cap. 73, and 14 & 15 Vic. cap. 127, and the re-enactment of the Act 8 Vic. cap. 54, for the encouragement of Agricultural Societies and

Agriculture in Upper Canada.

Of Charles Perry and others, of the Town of Peterborough; praying that the Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the said Town, may not pass into Law.

Of the Municipality of the Township of Ops; praying for an examination and survey to the Town of Lindsay in the said Township, with the view of establishing that route for the line of the Grand Trunk Railway.

Of the Mayor, Aldermen, and Commonalty of the City of Kingston; praying for the passing of an Act to authorize the said City to negotiate a Loan for Seventy-five thousand pounds, to consolidate a part of the City Debts.

Of J. Counter, Esquire, Mayor, and others, Aldermen, of the City of Kingston, on behalf of the Common Council of the said City; praying for the passing of an Act to incorporate a Company for the construction of a Railway from the Town of Peterborough to the River St. Lawrence, at or near the said City.

Of the Reverend John Murray and others, the Congregation of Leeds in connection with the Presbyterian Church of Canada; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Ordered, That the Petition of Jean Baptiste Martin, of the Parish of Côteau du Lac; the Petition of Jacob LaGrange and others, composing the Ottawa Glass Company; and the Petition of the Board of Trade of the City of Toronto, relative to differential Duties, be printed for the use of the Members of this House.

Ordered, That the Petition of A. Jeffry, Esquire, and others, of the Counties of Northumberland and Peterborough, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

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Ordered, That Mr. Dumoulin have leave to bring in a Bill to enable the Inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Dubord have leave to bring in a Bill to repeal the Act for regulating the shipping of Seamen, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That Mr. Lacoste have leave to bring in a Bill to increase the Terms of the Circuit Court in the St. John's Circuit, in the District of Montreal.

He accordingly presented the said Bill to the House, and the same [was] received and read for the first time; and ordered to be read a second time on Monday next.

On motion of Mr. Dubord, seconded by Mr. Malloch,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Statement of the amounts which may have been repaid on the Fire Debentures under the Act 9 Vic. cap. 62, and other subsequent Acts amending the same, whether principal or interest, particularizing each separate amount, and of the expenses incurred in salaries to the different persons employed, the costs incurred in suits at law, the names of the parties employed as Advocates, the names of the persons employed in the collection of the said Debentures, the names of the Securities, and also the amount of the sums lost by the defalcation of one of the Officers, and whether the Securities have made good the said sums.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The Order of the 28th September last, for the appearance at the Bar of this House of Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the County of Montmorency, to answer to the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, being read;

And the House being informed that Mr. Lefrançois attended at the door; he was called in.

Thomas Pope and Jacques Rhéaume, Esquires, also attended as Counsel on the part of Mr. Lefrançois.

Mr. Cauchon moved, seconded by Mr. Polette, and the Question being proposed, That Régis Poulin, of the Parish of Chateau Richer, be now heard at the Bar of this House on the allegations against Mr. Lefrançois:--

Thomas C. Dixon, Esquire, Seneca Paige, Esquire, Hazard B. Terrill, Esquire, Michel F. Valois, Esquire; Chairman, Louis V. Sicotte, Esquire, being the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, their Names were called over:--And Louis V. Sicotte, Esquire, not appearing within one hour after four of the clock;

On motion of Mr. Polette, seconded by the Honorable Mr. Macdonald,

Ordered, That the 74th Section of "The Election Petitions Act of 1851," be now read:--And the same being read;

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Ordered, That Louis V. Sicotte, Esquire, Member for the County of St. Hyacinthe, having been appointed to serve as one of the Members to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and not having attended in his place within one hour after four of the clock this day, being the day appointed for the swearing of the said Committee, be taken into the custody of the Serjeant-at-Arms attending this House.¹

Mr. Pope took exception ... [to Mr. Cauchon's motion] that a witness named Régis Poulin, be examined at the bar ... contending that as ... [his] name did not appear² sur la liste des témoins soumise à la chambre par M. Cauchon³, summoned by a resolution of the House, he ought not to be heard.⁴ [Il] dit que dans une accusation au criminel, les noms des témoins à charge sont inscrits sur le dos de l'indictement, que ces témoins seuls sont entendus⁵.

MR. TURCOTTE parla dans le même sens⁶.

Some discussion followed, in which it was contended that as this was a case of privilege, the House was not bound to follow the rules of Courts of Justice, and that it might examine what witnesses it chose.⁷

The motion was finally carried and the witness was placed at the bar.⁸

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And the Question being put, That Régis Poulin, of the Parish of Chateau Richer, be now heard at the Bar of this House on the allegations against Mr. Lefrançois:--It was resolved in the Affirmative.

And the House being informed that Régis Poulin attended at the door; he was called in; and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

1. Is your name Régis Poulin, and do you reside at Chateau Richer, in the County of Montmorency?--My name is Régis Poulin, and I reside at Chateau Richer,

in the County of Montmorency.

2. Were you an Elector during and before the late Election for the County of Montmorency?--I was an Elector during and before the late Election for the County of Montmorency.

3. Do you know Louis Célestin Lefrançois, Registrar for the first Division of the County of Montmorency, and are you aware that he was the Returning Officer at the late Election for the said County?--I am acquainted with the said Louis Célestin Lefrançois, and I know that he was the Returning Officer at the late Election for the said County.

4. Did you meet the said Louis Célestin Lefrançois at the time that he was fulfilling the duties of Returning Officer for the said County of Montmorency, and when did you meet him?--I met him at his own house, at the time he was fulfilling the said duties.

La 3^e ou 4^e question ayant été posée, M. TURCOTTE prétendit que c'était [*sic*] une question non-pertinente, une question pointée, ce que les praticiens anglais appellent a leading question.⁹

De longs débats s'élevèrent à ce sujet; certains membres invoquant les règles de la loi; les autres prétendant qu'il n'y a pas de loi qui règle la manière de faire la preuve des accusations portées devant la chambre; les autres, soutenant qu'en l'absence de toute loi, on devait suivre celle du droit anglais.¹⁰

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5. Had you then any conversation with him on the subject of the late Election for the County of Montmorency, and will you state what that conversation was?--I had a conversation with him, in the course of which he told me that Mr. Cauchon was not the man we wanted, but that Mr. Guay was.

6. Had you more than one conversation with him?--I had two conversations with him.

7. Did you take any Deeds to the said Louis Célestin Lefrançois to have them registered; did you not ask him to do them on credit, and what was his reply; repeat all the conversation which then took place between you and him?--Yes, I did bring some Deeds to have them registered: I did not ask him to register them on credit: As I was opening the door, he said that as for shufflers no credit must be given them. I said, "Sir, I am going to get money to pay you;" and I proceeded to get some.

8. Did Louis Célestin Lefrançois say anything more to you, and what did he say?--What conversation I had I have repeated; I can state neither more nor less than the truth, which you have asked of me.

9. Did Mr. Lefrançois speak to you on that occasion with reference to the Election for the County of Montmorency in reference to the Candidates, Mr. Cauchon and Mr. Guay, and what did he say?--I repeat what I have just now stated, that Mr. Lefrançois, putting his hand on my shoulder, remarked to me that Mr. Cauchon was not the man whom we wanted, but that Mr. Guay was.

10. After having said to you, that no credit should be given to shufflers, did he add any thing else, and will you state what it was?--He said nothing to me, either to the advantage or to the disadvantage of Mr. Cauchon or of himself. Mr. Lefrançois told me that he would like to present himself as a Candidate. I

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replied, you would do better to remain as you are, for the gentry all say you are a damned great fool.

11. Was Mr. Germain Guay a Candidate for the County of Montmorency at the late Election, and was his presenting himself as such spoken of at the time this conversation took place?--Mr. Germain Guay presented himself as Candidate, together with Mr. Cauchon; those who were partizans of his spoke in very strong terms in his favor, and we who were opposed to him spoke against him.

By Mr. Lemieux:--

12. Will you state whether you or Mr. Lefrançois opened the conversation on that occasion?--Mr. Lefrançois began the conversation when I entered his house.

13. Were any other persons present when this conversation took place, and if so, name them?--His cousin, and Mr. Louis Octave Bernier, his brother-in-law, were present; the latter was seated near the office-table.

14. On opening the door of which you have first spoken, will you state whether it was Mr. Lefrançois or Mr. Bernier who said to you, that no credit should be given to shufflers?--It was Mr. Lefrançois who made the remark to his brother-in-law Mr. Louis Octave Bernier: and I then said that he was the greatest shuffler in that transaction.

15. Is it not true that you were a supporter of Mr. Cauchon, and that you took a very active part in the late Election in favor of the present Member for Montmorency?--I was one of Mr. Cauchon's partizans, for I gave him my support throughout, and he was worthy of it.

By Mr. Cauchon:--

16. Is not Mr. Louis Octave Bernier brother-in-law, and partner as Notary, of Mr. Louis Célestin Lefrançois, and was he not so at the time of the conversations which you just repeated?--Yes, I know that he is Mr. Lefrançois's partner; but Mr. Bernier never said a word to me either for or against him.

17. Was not Mr. Bernier a most persevering and active partizan of Mr. Germain Guay at the late Election for the County of Montmorency?--He was one of Mr. Guay's most active partizans, but he never told me for whom I was to vote.

18. Will you state at whose house the partizans of Mr. Germain Guay used to meet previous to the late Election for the County of Montmorency?--Mr. Bernier leased part of a house belonging to a man named Thomas Michel; I am aware that the partizans used to meet there, but I never went there myself.

And then he was directed to withdraw.

On motion of Mr. Polette, seconded by the Honorable Mr. Badgley,

Ordered, That the 75th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

And Louis V. Sicotte, Esquire, not having been brought into the House within three hours after four of the clock, the swearing of the Committee to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, was adjourned till the next meeting of the House.

The Order of the 28th September last, for the appearance of Witnesses at the Bar of this House, to be examined as to the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, complaining of the conduct of Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the said County, being read;

And the House being informed that Jean Huot, one of the said Witnesses, attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

19. Is your name Jean Huot, and do you reside at L'Ange Gardien, in the County

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of Montmorency?--My name is Jean Huot, and I reside at L'Ange Gardien, in the said County.

20. Were you an Elector for the County of Montmorency at the late Election, and before the late Election?--I was, both at the late Election and before the Election.

21. Do you know Mr. Louis Célestin Lefrançois, the Registrar of the first

Division of the County of Montmorency, and do you know that he was the Returning Officer at the late Election for the said County?--I know him, and I know that he was Returning Officer at the late Election.

22. Did you ever meet Mr. Louis Célestin Lefrançois while he filled the office of Returning Officer for the said County of Montmorency?--Yes, I met him when he filled that office.

23. Was it not on the day for nominating the Candidates at the late Election for the said County?--Yes, it was on that day.

24. Where was it that you met him, and on what day?--It was at his house that I met him, on the 29th November.

25. Have you had any conversation with the said Louis Célestin Lefrançois concerning the late Election for the County of Montmorency, and if such conversation took place, will you repeat the words spoken to you by him?--I had a conversation with Mr. Lefrançois at that time: he told me that we had Lawyers enough in the House, and that it would be better to put in a Notary, that is to say, Mr. Guay.

26. Since you received the summons from this House to appear here, has the said Louis Célestin Lefrançois been to your residence or elsewhere, to see you, to talk to you about the evidence that you had to give before this House; and repeat what he said to you?--Yes, he came; he was disposed to talk to me: for my part I said nothing.

By Mr. Lemieux:--

27. Have you been at Mr. Cauchon's house, or have you had any conversation with him in relation to the allegations against Mr. Lefrançois since you have been ordered to attend as a witness before this House; if so, state what that conversation was, and relate that conversation at length?--I went to Mr. Cauchon's: I recollect no conversation that I had with him.

28. State when you went to Mr. Cauchon's, or when you saw him; and how many times?--I went twice to Mr. Cauchon's: on Friday last, and on Wednesday last.

29. Why did you go to Mr. Cauchon's; and for what purpose did you go there?--I went to know what time I was to attend here.

30. Did you, on those two occasions, speak of the allegations brought against Mr. Lefrançois; if so, repeat the conversation you had with Mr. Cauchon?--I have already told you, and I tell you again, that I recollect no conversation that I may have had with Mr. Cauchon.

31. Were you one of the partizans of Mr. Cauchon at the late Election of the County of Montmorency?--Yes, I was on Mr. Cauchon's side.

32. Do you know any other person than Mr. Lefrançois who did say to you, or who did say in your presence during the late Election of the County of Montmorency, or at any other time, that it was better to elect a Notary or any other person than an Advocate?--Mr. Bernier said that too.

33. In the late Election for the County of Montmorency, did you have any conversation with Mr. Cauchon as to Mr. Lefrançois, and state what Mr. Cauchon said about Mr. Lefrançois?--I have already said that I recollected no conversation.

34. Will you say and name the persons with whom you went to Mr. Cauchon's, yesterday?--Chrysostôme Huot was with me.

And then he was directed to withdraw.

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And the House being informed that Abraham Filion, another of the said Witnesses, attended at the door, he was called in; and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

35. Is your name Abraham Filion, and do you reside at St. Joachim, in the County of Montmorency?--My name is Abraham Filion, and I live at St. Joachim in the said County.

36. Were you an Elector for the County of Montmorency at the late Election and before the late Election?--Yes; I was an Elector of that County at the late Election, and before the Election.

37. Do you know Louis Célestin Lefrançois, Registrar of the first Division of the County of Montmorency, and do you know whether he was Returning Officer at the late Election for the said County?--I know the said Louis Célestin Lefrançois; and I know that he was Returning Officer at that Election.

38. Did you meet Mr. Louis Célestin Lefrançois while he filled the office of Returning Officer of the said County, and will you state at what particular time you met him?--I cannot tell you when I met him; but when I did meet him, it was in my own house. He told me that he was the Returning Officer.

39. Had you any conversation with him on the subject of the said Election for the County of Montmorency, and will you repeat what he said to you on that occasion?--He asked me whether I had given my signature; I told him, yes, I had. He asked me for whom I had given it, and I told him that I had given it for Mr. Cauchon. He told me he did not understand those who gave their signature for Mr. Cauchon: that Mr. Cauchon would not exert himself to reduce the lods et ventes, but that Mr. Guay would: he told me to say nothing about it, for as he was Returning Officer, that might do him harm, and could do me no good; that is all I remember.

40. Was it before the Election of the said County of Montmorency, that you gave your signature; and was it not for the purpose of inviting Mr. Cauchon to present himself as a Candidate?--It was before the Election; and it was to invite Mr. Cauchon to present himself as a Candidate.

41. Since you received the summons from this House to appear here, has not the said Louis Célestin Lefrançois been to your house to see you, and to question you about the evidence which you were to give here before this House?--Yes, he came to my house, to ask me what he had said.

By Mr. Lemieux:--

42. State at what date and in what month Mr. Lefrançois went to your house, and state if it is not true that it was before the Election in the County of Montmorency?--I did not note the time.

43. Is it not true that the said Louis Célestin Lefrançois went to your house on the occasion referred to, to execute some Deeds in his capacity as Notary, and that he so went at your request?--I do not recollect whether he came to execute a Deed.

44. Was Mr. Lefrançois at any time at your house in relation to the execution of any Notarial Deeds, and if so, state if it was not then that the conversation in question took place?--I do not remember.

And then he was directed to withdraw.

And the House being informed that Julien Lachance, another of the said Witnesses, attended at the door; he was called in; and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

45. Is your name Julien Lachance, and do you live at St. Joachim in the County of Montmorency?--My name is Julien Lachance, and I reside at St. Joachim.

46. Were you an Elector for the County of Montmorency at the late Election, and before the late Election?--Yes, I was an Elector during and before the Election.

47. Do you know Louis Célestin Lefrançois, Registrar of the first Division of the County of Montmorency, and do you know whether he was Returning Officer at the late Election for the said County?--I know the said Louis Célestin Lefrançois,

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and I know that he was a Returning Officer at the late Election.

48. Did you meet the said Louis Célestin Lefrançois while he filled the said

office of Returning Officer, and where did you meet him?--I met him at his own house.

49. Why did you go to his house; and will you repeat the conversation which took place between you and him about the Election for the County of Montmorency?--I went to his house to procure some papers which I had registered: he was lying down, and we roused him up: he came to me and inquired how electioneering was going on about us; and, talking of that, he began to say that Mr. Cauchon did not know how he should manage to live; that he had no influence with either party; that he had nobody but the Pilots of St. John's. He said we should do as well to take part with Mr. Guay, that he was an honorable fellow, that he told me this as a friend, and I was to say nothing about it. I answered him that I had nothing to say about Mr. Guay, who was a decent honest fellow. Before this I owed him money for registering; he had told me that he would not trouble me, as I was short of money. When I told him that I was on Mr. Cauchon's side, he asked me for the money that I owed him, saying that he wanted it very much to go to Quebec, to make a purchase of paper. I told him that it would inconvenience me just then. He asked me whether I knew where Mr. Guay lived, and whether I would deposit the money there for him. He told me that Mr. Guay had thirty times more honor than myself. On my asking him why he had more honor than myself, he told me that it was to tease me that he said so. I thereupon said Mr. Guay had better not present himself as a Candidate, for he is an ass like yourself. I meant to say no harm about Mr. Guay. This is all I recollect.

By Mr. Lemieux:--

50. Do you know Jean Poulin, one of the Witnesses ordered to be heard before this House on behalf of Mr. Cauchon?--Yes, I know the said Jean Poulin.

51. Had you any conversation with the said Jean Poulin, in relation to Mr. Lefrançois?--No.

52. Is it not true that some days ago you went to the said Jean Poulin to ask him, if it was not true that the said Jean Poulin would be a good witness for Mr. Cauchon; if not, state what you said to him?--I did not go to Jean Poulin's house.

53. Did you not say to the said Jean Poulin "that it was necessary that the said Louis Célestin Lefrançois should lose his place as Registrar;" if not, state what you said in relation to the said Officer?--I did not say that. Mr. Cauchon did not advise me to tell a lie, but to state what I knew of the matter.

54. Did you meet the said Jean Poulin at the Church-door of the Parish of St. Joachim, and was it not on that occasion that you spoke together in relation to the difficulty between Mr. Cauchon and Mr. Lefrançois, the Returning Officer?--He asked me whether I had been summoned to appear at Quebec; I told him that I had. He asked me what I had to say; I replied that what I had to say I would state in the House. I asked him what he had to say; he told me that he was the subject of a mistake, and that he had been taken for another person.

55. Did you ask the said Jean Poulin to go with you to Mr. Cauchon to tell him what he, Poulin, knew or could say in this matter?--No, I never spoke to him on the subject; if I did speak to him on the subject, I do not remember having done so.

56. Is it not true that you have had some misunderstandings, or were on bad terms with Mr. Lefrançois before the late Election for the County of Montmorency?--It is not.

By Mr. Cauchon:--

57. Did Mr. Cauchon tell you to bring Jean Poulin to his house?--No; he never spoke to me on the subject.

And then he was directed to withdraw.

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Ordered, That Charles Rhéaume, Esquire, of Chateau Richer, be now heard at

the Bar of this House, on the allegations against Mr. Lefrançois.

And the House being informed that Mr. Rhémaume attended at the door, he was called in; and, at the Bar, examined as followeth:--

By Mr. Cauchon:--

58. Is your name Charles Rhémaume, and do you reside at Chateau Richer, in the County of Montmorency?--My name is Charles Rhémaume, and I reside in the County of Montmorency.

59. Were you an Elector for the County of Montmorency at the late Election, and before the late Election for the said County?--Yes, I was an Elector during and before that Election.

60. Do you know Louis Célestin Lefrançois, the Registrar of the first Division of the County of Montmorency, and do you know that the said Louis Célestin Lefrançois was Returning Officer at the late Election for the said County?--Yes, I know him; and I know that he was Returning Officer at the time of that Election.

61. Do you know who were the Candidates at the late Election for the County of Montmorency: name them?--Messieurs Cauchon and Guay were the Candidates.

62. At the time of the said Election, were you a near neighbour of the said Louis Célestin Lefrançois?--I was.

63. Do you know where the partizans of Mr. Germain Guay used habitually to meet at Chateau Richer before the Election?--The principal partizans of Mr. Guay had a place of meeting in the house of Mr. Lefrançois, and in going backwards and forwards, that was their house of call.

64. What do you mean by the principal partizans of Mr. Guay?--I mean those who go canvassing about from one Parish to another.

And then he was directed to withdraw.

Ordered, That the further consideration of the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, complaining of the conduct of Louis Célestin Lefrançois, Esquire, Registrar and Returning Officer at the late Election for the said County, be postponed till Monday next, and be then the first Order of the day.

Ordered, That Ovide Rousseau, Esquire, of Chateau Richer, do appear at the Bar of this House on Monday next, to be examined as to the said allegations.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Solicitor General Chauveau, seconded by the Honorable Mr. Morin,

The House adjourned.

APPENDIX: 14 OCTOBER 1852.

[NOTICE OF MOTION RE: RESOLUTIONS ON THE SUBJECT OF PRODUCE, FREIGHT, ENCOURAGEMENT OF IMMIGRATION, APPROPRIATION OF PUBLIC LANDS, CONSTRUCTION OF ROADS, BRIDGES, AND HARBOURS, AND INCOME FOR COMMON SCHOOLS.]¹¹

MR. BOULTON [gave notice that] on Monday next [he will move the House into] Committee of the Whole, to consider the following Resolutions:--

1. That the great interest of Canada is Agricultural--nine-tenths of our population being engaged in the culture of the Soil.

2. That to enable our Agriculturists to bring their Produce to the Markets of the World at remunerating prices, it is necessary that the Freights outwards should be greatly reduced.

3. That nothing will tend so greatly to the reduction of Freights outwards, as the encouragement of emigration from Europe by the way of the St. Lawrence.

4. That it is an object of the highest importance to Canada, that emigrants arriving at the Ports of Quebec and Montreal should, if possible, be induced to settle in this Country, instead of proceeding to the Western States.

5. That this object might be attained and the Province rapidly settled, if the whole of the unappropriated Public Domain, instead of being looked upon as a source of Revenue, were Sold at low rates, and the entire proceeds (after deducting the expense of Survey and management, or per cent thereof) expended under the direction of the various Municipal Authorities in the Province, for the purpose of constructing Roads, Bridges and Harbors in the Municipalities wherein such Lands are situate, and for no other purpose whatever.

6. That in such an appropriation of the Public Lands, provisions to be made to secure the income of £100,000 for Common School purposes, which was set apart and provided for out of the Public Domain by the Act 12 Vic., cap. 200.

7. That leave be given to bring in a bill founded on the foregoing Resolutions.¹²

[NOTICE OF MOTION RE: AN ACT TO FACILITATE THE EXAMINATION OF WITNESSES IN CIVIL CASES IN LOWER CANADA.]¹³

MR. STUART [gave notice that] on Monday next [he will introduce a] bill, intituled, "An Act to facilitate the Examination of Witnesses in Civil Cases in Lower Canada."¹⁴

FOOTNOTES: 14 OCTOBER 1852.

1. QUEBEC GAZETTE, 15 October 1852, and MONTREAL GAZETTE, 18 October 1852, reported the debate on this matter in identical accounts. It was also reported by JOURNAL DE QUEBEC, 16 October 1852. HAMILTON SPECTATOR DAILY, 15 October 1852, and OTTAWA CITIZEN, 23 October 1852, noted the debate in identical accounts. It was also noted by: BRITISH COLONIST, 22 October 1852; and GLOBE, 23 October 1852, which commented that the debate occupied "the entire evening."
2. QUEBEC GAZETTE, 15 October 1852.
3. JOURNAL DE QUEBEC, 16 October 1852.
4. QUEBEC GAZETTE, 15 October 1852.
5. JOURNAL DE QUEBEC, 16 October 1852.
6. IBID.
7. QUEBEC GAZETTE, 15 October 1852.
8. IBID.
9. JOURNAL DE QUEBEC, 16 October 1852.
10. JOURNAL DE QUEBEC, 16 October 1852, which contained the following commentary on the proceedings: "Il est singulier qu'aucun des honorables membres n'ait pensé à citer le droit français qui pouvait tout aussi bien être invoqué que le droit anglais en cette circonstance. Il est vrai qu'il existe une immense différence entre ces deux droits; car le droit français a pour but de chercher la vérité, et le droit anglais au contraire, paraît avoir pour objet d'empêcher qu'elle ne se fasse jour. Aussi, ne doit-on pas être surpris que quelques avocats, membres du parlement, accoutumés à toutes les subtilités du droit anglais sur la preuve, soient venus argumenter sur la pertinence ou la non-pertinence des questions posées par M. Cauchon, comme ils raisonnent ordinairement devant les tribunaux de justice, n'envisageant une question que sous un point de vue rétréci. Un célèbre penseur a dit quelque part, que la pratique de la loi rétrécissait l'esprit; certes, il faut avouer que la discussion de jeudi au soir, sur les questions pointées, les leading questions, confirmerait cette boutade....
11. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 16 October 1852, PILOT, 20 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
12. PILOT, 20 October 1852.
13. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 16 October 1852, PILOT, 20 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
14. PILOT, 20 October 1852.

FRIDAY, 15 OCTOBER 1852.

(300)

THE Serjeant-at-Arms attending this House, informed the House, that he had taken Louis V. Sicotte, Esquire, into his custody.

Whereupon Mr. Cartier stated, that he was desired by Mr. Sicotte to express his sorrow for the inconvenience he had caused the House and the Parties by his absence, when the Members of the Committee appointed to try the matter of the Megantic Election Petitions were called upon to be sworn.

On motion of Mr. Polette, seconded by Mr. Dumoulin,

Ordered, That Mr. Sicotte be discharged out of custody.

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The following Petitions were severally brought up, and laid on the table:--

By Mr. Dumoulin,--Two Petitions of the Municipal Council of the County of Yamaska.

By Mr. Taché,--The Petition of the Honorable William Walker and others, of the City of Quebec, and adjacent parts.

By Mr. Shaw,--The Petition of the Municipal Council of the United Counties of Lanark and Renfrew.

By Mr. Murney,--The Petition of James Wescott and others, of Rawdon, Seymour, and other Townships.

By Mr. Cartier,--The Petition of Jean B. Coté and others, of the Parish of St. Hyacinthe.

By Mr. Sicotte,--The Petition of the Corporation of the College of St. Hyacinthe.

By the Honorable Mr. Cameron,--The Petition of the Reverend James Rogers, Moderator, and George Boulter, Clerk, on behalf of the Kirk Session of the Presbyterian Congregation of Demorestville, County of Prince Edward.

Pursuant to the Order of the day, the following Petitions were read:--

Of William Armstrong and others, of the Town of Sydenham, and adjacent Townships, County of Grey; and of Alexander Madwayosh, Chief, and others, Aboriginal Canadians, residing on the Peninsula between Lake Huron and the Georgian Bay; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors.

Ordered, That the Petition of J.A. Charlebois and others, of the Parishes of St. Polycarpe and St. Zotique, and other places in the County of Vaudreuil, and all other Petitions praying for the removal of the County Seat of the said County, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of H. Jackson and others, Shareholders in the Ontario, Simcoe, and Lake Huron Railroad Company; and the Petition of the Montreal and Kingston Railway Company, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Trustees of the Hamilton Orphan Asylum, and also the Bill to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College; and to each of the said Bills they have prepared certain amendments which they beg to report for the consideration of Your Honorable House.

Ordered, That the Bill to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College, as reported

from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Resolved, That a Message be sent to the Honorable the Legislative Council, praying that their Honors will permit the Honorable Joseph Bourret, one of their Members, to attend the Standing Committee on the Public Accounts, to be examined with respect to certain expenses incurred in defraying the removal of the Seat of Government from Toronto to Quebec, and for which a Vote of Supply is required by the Executive Government.

Ordered, That Mr. Christie of Gaspé do carry the said Message to the Legislative Council.

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The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 30th ultimo, for copies of any and every Agreement that was agreed upon or negotiated when the Loan of £1,500,000, or any part thereof was raised, or, if no such agreement is in existence, then information as to what course has been adopted or arrangements made by the Governor, with the advice of His Excellency's Council, relative thereto; also, copies of all the detailed Statements or accounts of the sums raised under the authority of the Act 6 Vic. cap. 8, and of the Debentures issued, and of dividends and interest paid thereon, and of the Sinking Fund, or of the redemption of the whole or any part of the said debt by means of the Sinking Fund or otherwise.

For the said Return, see Appendix (W.W.)

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to amend the Municipal Acts of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

The Honorable Mr. Merritt moved, seconded by Mr. Smith of Durham, and the Question being proposed, That with the exception of Mondays, Orders of the day do take precedence of Notices of Motions;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Turcotte, That all the words after "That" to the end of the Question be left out, in order to add the words "during the remainder of the Session, this House will, after this day, take up the Orders of the day at Six o'clock in the afternoon, unless Notices of Motions are sooner disposed of, and that any matter which may be left unfinished under the operation of this regulation, be taken up first under the head of Notices of Motions on the following day; except that Motions for the introduction of Bills shall have precedence after the Routine business is over;

And the Question being put on the Amendment:--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Resolved, That during the remainder of the Session, this House will, after this day, take up the Orders of the day at Six o'clock in the afternoon, unless Notices of Motions are sooner disposed of, and that any matter which may be left unfinished under the operation of this regulation, be taken up first under the head of Notices of Motions on the following day; except that Motions for the introduction of Bills shall have precedence after the Routine business is over.

On motion of Mr. Lemieux, seconded by Mr. Lacoste,

Ordered, That the Select Committee on the Kamouraska Election Petition have leave to adjourn until Tuesday next, in order to enable the Parties to continue their evidence and to furnish certain documents.

Thomas C. Dixon, Esquire, Seneca Paige, Esquire, Hazard B. Terrill, Esquire, Michel F. Valois, Esquire; Chairman, Louis V. Sicotte, Esquire, being the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, their Names were called over; and being come to the Table, they were sworn by the Clerk.

Ordered, That the Petitions relative to the Election and Return for the County of Megantic, be referred to the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for that County.

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Ordered, That the said Committee do meet To-morrow, in Committee Room No. 7, of the House, at the hour of Eleven in the forenoon.

On motion of Mr. Patrick, seconded by Mr. Boulton.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to direct the proper officer to lay before this House, any Documents in possession of the Government relating to the reduction of Duties on Red Pine Timber, as also the Report of the Commissioner of Crown Lands on that subject.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Polette have leave to bring in a Bill to divide the Common of Maskinongé among the Co-proprietors thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

On motion of Mr. Christie of Gaspé, seconded by Mr. LeBoutillier,

Ordered, That the Clerk do cause the Return relative to Lands claimed in the District of Gaspé under the Act 10 and 11 Vic. cap. 10, which was presented on Friday last, to be reduced to a tabular Statement shewing at one view the Lots claimed in each Township or Settlement, the contents in superficial acres of each Lot so claimed, the names of the several Claimants, and the total of Acres claimed in the said District under the said Act.

The Order of the day for the third reading of the Bill for the relief of Sufferers by the late Fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said Fire, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be recommitted to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and the Question being proposed, That the Bill be now read the third time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "be" to the end of the Question be left out, in order to add the words "again recommitted to a Committee of the whole House, for Monday next, to consider the propriety of amending the provisions thereof by substituting, for the guarantee of a Loan of One hundred thousand pounds, some mode of relieving

such individual suffering arising from the late Fire at Montreal as may be found to exist;"

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Mackenzie, and Mattice.--(3.)

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NAYS.

Messieurs Badgley, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Egan, Fortier, Fournier, Gamble, Hincks, Laurin, LeBoutillier, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, McDougall, McLachlin, Mongenais, Morin, Murney, Paige, Papineau, Poulin, Ridout, Robinson, Rolph, Shaw, Sicotte, Stevenson, Street, Taché, Tessier, Valois, Varin, and Young.--(45.)

So it passed in the Negative.

Then the main Question being put;--It was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.¹

The Order of the day for the third reading of the Bill for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same, being read;

Mr. Dixon moved, seconded by Mr. Malloch, and the Question being proposed, That the Bill be now read the third time;

Mr. Christie of Wentworth moved in amendment to the Question, seconded by the Honorable Mr. Cameron, That all the words after "now" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of adding the words "and the Agricultural Society of the County of Elgin jointly; and if the said Societies or either of them shall, at any time, wish to put an end to such joint ownership, the Society of the County of Elgin shall be entitled to a share of the proceeds of such property on sale thereof, bearing the same proportion to the whole that the population of the said County shall bear to the population of both Counties; and if the said Societies shall not agree in dividing such proceeds, it shall be lawful for each Society to appoint an Arbitrator, and the said Arbitrators shall appoint a third, and the decision of the said Arbitrators, or a majority of them, shall be final as to the value of the said property and the mode of dividing the proceeds of the same, and the time and mode of payment by the one of the said Societies to the other thereof," at the end of the last Clause thereof;

And the Question being put on the Amendment;--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be now recommitted to a Committee of the whole House, for the purpose of adding the words "and the Agricultural Society of the County of Elgin jointly; and if the said Societies or either of them shall, at any time, wish to put an end to such joint ownership, the Society of the County of Elgin shall be entitled to a share of the proceeds of such property on sale thereof, bearing the same proportion to the whole that the population of the said County shall bear to the population of both Counties; and if the said Societies shall not agree in dividing such proceeds, it shall be lawful for each Society to appoint

an Arbitrator, and the said Arbitrators shall appoint a third, and the decision of the said Arbitrators, or a majority of them, shall be final as to the value of the said property and the mode of dividing the proceeds of the same, and the

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time and mode of payment by the one of the said Societies to the other thereof," at the end of the last Clause thereof.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Street reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Street reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Dixon do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the Town of Dundas to grant its security to the Great Western Railroad Company on behalf of the Desjardins Canal Company for certain improvements on the said Canal; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Stuart reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Stuart reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

The House, according to Order, resolved itself into a Committee on the Report of the Select Committee to which were referred certain proposed Resolutions upon which to found an Address to Her Majesty, praying that She will be pleased to sanction the introduction into the Imperial Parliament of an amendment to the Act of 1846, by introducing the same principle of Reciprocity retained in the Act of 1849; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Shaw reported, That the Committee had come to several Resolution[s] which were read, as follow:--

1. Resolved, That the Imperial Act 9 & 10 Vic. cap. 22, for the repeal of the Corn Laws, deprived the British North American Provinces of the preference previously given to their Agricultural products in the Home Market; and, while it placed Foreign Nations on a par with the Colonies in the Corn Trade, it contained no provisions enabling Her Majesty, in Her discretion, to insist on the principle of Reciprocity being carried out by such Foreign Nations, whereby this Country would be placed on an equality with the United States.

2. Resolved, That by the Imperial Navigation Act 12 & 13 Vic. cap. 29, authority is given Her Majesty to protect British Shipping by imposing the same duties on the Vessels and cargoes of any Foreign Nation which are exacted from British Vessels by such Foreign Nation.

3. Resolved, That in the opinion of this House, the principle of Reciprocity adopted by the Navigation Act, ought to be extend[ed] to the Agricultural products of Great Britain and her Colonies and that the correctness of this opinion was admitted by the Imperial Government when they instructed Mr. Pakenham, their Minister at Washington, immediately after the passing of the Act, to negotiate with the American Government for an equality in Trade, and thus to supply the omission in the Statute 9 & 10 Vic. cap. 22.

4. Resolved, That the Canadian Legislature endeavored to aid Mr. Pakenham in his negotiations, by passing a Reciprocity Bill, but that all his exertions have proved unsuccessful; and this House is apprehensive that, unless Her Majesty

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is enabled to act authoritatively in the matter, Reciprocity will never be granted by the United States, and Canada will continue to suffer by the depreciation of the value of her products as heretofore.

5. Resolved, That the prediction contained in the Address of this House to Her Majesty in 1846, that this change in the commercial policy of the Empire would lead to the reduction of prices on Canada products below those of the United States, has been fully realized. Whenever Markets are higher in America than in England, the price of the productions of Canada are lower than in the United States; and when Markets are higher in England, the prices of Canadian produce still range as much lower as the charges imposed by the bonding system in passing through the United States; and so long as the present laws are in force, under no circumstances can prices be higher.

6. Resolved, That the Legislative Assembly of this Province have on no occasion, since the Imperial Act of 1846, addressed the Home Government for a return to protection, or for any exclusive favor in the Markets of Britain, neither do they now ask for any such advantage, or for any measure which will increase the price of bread to the British consumer for the benefit of the Canadian producer. Under the principle of Reciprocity, no duties will be imposed on the importation of breadstuffs of Great Britain or Canada into any other corn-growing country, consequently the productions of all Foreign Nations coming into England duty free, prices cannot be increased; and in order to remove all apprehension from the mind of the consumer on this subject, it is only necessary to state, that the breadstuffs from the Western States can be admitted through Canada into England, duty free, in the same manner as before the repeal of the Corn Laws.

7. Resolved, That it is accordingly desirable that an humble Address be presented to Her Majesty, most respectfully praying that She will be pleased to recommend to the Imperial Parliament to enact that Her Majesty may (if She thinks fit) by Order in Council, impose the like duties on the production of those Foreign Nations who impose duties on the natural productions of Great Britain or British North America, when imported direct from any sea-ports within those Countries, and to repeal so much of the first Clause of the 12 & 13 Vic. as revives the fifth Clause of 8 & 9 Vic. conferring advantages on Vessels of the United States which they withhold from those of Canada; the said duties and restrictions to continue so long and no longer than similar restrictions are continued by other Nations.

The said Resolutions, being read a second time, were agreed to.

Resolved, That the said Resolutions be referred to a Select Committee, composed of the Honorable Mr. Merritt, the Honorable Mr. Macdonald, and the Honorable Mr. Robinson, to prepare and report the draught of an humble Address to Her Majesty, in conformity therewith.

The House, according to Order, resolved itself into a Committee on the Bill to provide by one general Law for the incorporation of Electric Telegraph Companies; and after some time spent therein, Mr. Speaker resumed the Chair; and the Honorable Mr. Robinson reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received on Tuesday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Badgley, seconded by the Honorable Mr. Robinson,

The House adjourned until Monday next.

[NOTICE OF MOTION RE: ENCOURAGEMENT OF SHIPBUILDING.]²

MR. DUBORD [gave notice that] on Tuesday next [he will move] for the appointment of a SELECT COMMITTEE to enquire into the expediency of encouraging Shipbuilding in this Province, with power to report from time to time; the said committee to be composed of the Hon. Mr. Cameron, the Hon. Mr. Robinson, Mr. Egan, Mr. LeBoutillier, Mr. Smith of Frontenac, Mr. Stuart, the Hon. Mr. Merritt, Mr. Clapham, and the Mover.³

[NOTICE OF MOTION RE: COURTS AND JUSTICE IN LOWER CANADA.]

MR. TESSIER [gave notice that he would move for a] Special Committee of seven Members, with instructions to enquire concerning the judiciary organization of the Courts of Justice and the Administration of Justice in Lower Canada with authority to send for witnesses, papers, &c.⁴

[QUESTION AND ANSWER RE: AMENDMENT TO THE ASSESSMENT LAW OF UPPER CANADA.]⁵

MR. HARTMAN enquired of the Ministry whether they intend during the present session to propose any amendment to the Assessment Law of Upper Canada, with a view to make all kinds of property equally liable to taxation. He would explain what he meant by asking the question. It seems by the Assessment Law of 1850 that there are certain kinds of farming stock, enumerated in schedule A, such as meat cattle and horses over three years old, &c., liable to taxation; he wished to know whether it is intended to continue the assessment on these kinds of property while others of a more productive character escape.⁶

MR. INSP. GEN. HINCKS replied that it is not the intention of the Government to propose any alteration in the assessment law; at the same time, he would remark that the subject is now under consideration by a special committee, and he would not say that the Government might not accede to certain alterations in the law, if recommended by the committee.⁷

[QUESTION AND ANSWER RE: AMENDMENT TO THE COMMON SCHOOL ACT.]⁸

MR. HARTMAN enquired of the Ministry whether it is their intention during the present session to propose any amendment to the Common School Act of Upper Canada; and if so, whether it is contemplated to shorten the time now required by law, that a school shall be kept open to entitle it to any share in the School Funds.⁹

MR. INSP. GEN. HINCKS replied that it is the intention of the Government to propose an amendment to the Common School Act; but he was not in a position to say that they intend to shorten the time. That was a subject that might be considered by the House when the question comes up.¹⁰

[QUESTION AND ANSWER RE: DR. SCOTT OF THE TORONTO LUNATIC ASYLUM.]¹¹

MR. BOULTON enquired of the Ministry whether Dr. Scott, Medical Superintendent of the Lunatic Asylum at Toronto, has been removed. If so, what has been the cause of his removal, whether any correspondence has taken place between the Government, or any department of the Government, on the subject, or in reference to the interests or management of that Institution, with the Director of the Asylum, the Medical Superintendent thereof, or any subordinate officer thereof, and whether Dr. Scott, whilst acting as such Medical Superintendent, has intercepted or opened any letters from the Government, or any member of the Government, to any officer

or servant of the Institution and if so, whether the Government or any member of the Government is now in possession of such letters.¹²

MR. INSP. GEN. HINCKS said the government¹³ could not say whether Dr. Scott had been removed. He was not aware of the fact. The Medical Superintendent was not appointed by the Government, but by the Commissioners of the Institution. No communication on the subject has been had with the Government. Some correspondence has taken place with reference to a private, not a public, letter, addressed by a member of the Government to a person in the institution.¹⁴ He had received information that a letter of one of his colleagues had been opened by Dr. Scott¹⁵ and a copy of it was sent to him by the Medical Superintendent¹⁶ himself, with a letter asking him, (Mr. H.) if the letter sent back, had been written by the President of the Council.¹⁷ He communicated the fact to the President of the Council, by whom it had been written; and that hon. gentleman had written to Toronto for the original letter, and found that the¹⁸ cover and seal¹⁹ had been broken. The circumstance has been brought under the notice of the Commissioners of the institution; and he believed that it was likely to become the subject of investigation.²⁰

MR. BOULTON asked whether the Government is in possession of the letter.²¹

MR. INSP. GEN. HINCKS said, that it was under the control of the writer.²²

[QUESTION AND ANSWER RE: SALARY FOR THE OFFICE OF PRESIDENT OF THE EXECUTIVE COUNCIL.]²³

MR. BOULTON inquired whether it was the intention of the Government to propose that no salary should be attached to the office of President of the Executive Council for the future, or whether it is their intention to provide that that duty shall be discharged by the Head of any of the other Public Departments, without any additional salary or allowances to such head, or whether it is intended that the President of the Council shall continue as at present with the present salary attached to that office.²⁴

MR. INSP. GEN. HINCKS replied that it was not the intention of the Government to propose that the President of the Council should receive no salary.²⁵

[QUESTION AND ANSWER RE: COURT HOUSE OF MONTREAL.]²⁶

[A question was asked] as to the Court House of Montreal.²⁷

MR. COM. PUB. WORKS CHABOT in reply ... said he was about to proceed there to inquire into the matter.²⁸

[QUESTIONS AND ANSWER RE: INTERNAL IMPROVEMENTS IN CANADA WEST: PIERS, LIGHTHOUSES, ROADS AND MAIL ROUTES; AND THE ROLE OF THE CROWN LANDS DEPARTMENT IN SUCH IMPROVEMENTS.]²⁹

MR. BOULTON inquired of the Ministry, whether it has been or now is, their intention to extend Piers or erect Lighthouses between Sarnia and Saugeen, in Upper Canada, or the completion of a road from Sarnia to Goderich, and from Goderich to Saugeen, thence to Mornington and thence through to Bell's Corners in South Easthope, or any of them, and establishing Mail Routes therein:--also, whether the Head of the Crown Lands Department has given his co-operation to these important subjects, and whether the Commissioner of Crown Lands has personally visited that part of Canada on the subject of such improvements; and whether it is intended that 4s. 6d. per acre, a portion of the purchase money from Crown Lands in the County of Huron, shall be applied to local improvements.³⁰

MR. INSP. GEN. HINCKS replied that the intentions of the ministry would be known when they made a proposition on the subject.³¹

[WITHDRAWN MOTION RE: DETAILED STATEMENT INDICATING REMUNERATION FOR NEGOTIATIONS CARRIED OUT BY HEADS OF GOVERNMENT DEPARTMENTS.]³²

MR. BOULTON moved an "address to His Excellency, praying that he will cause to be laid before this House a detailed statement, showing what sums have been received by any of the Heads of the Departments of the present or late Administration as a commission, charge, or remuneration for effecting the sale of any Provincial, Municipal or other Corporate Securities in England, or elsewhere, and how such commission or allowance has been disposed of, whether for public purposes or for the benefit of the individual negotiating such securities, and also what has been the aggregate amount of such fee or commission received by such Heads of Departments." He said that he had no wish to impute improper conduct to members of the Government; nor had he personal knowledge of any transactions in which members of the Government had received remuneration for their services in negotiating laws. But he had heard so, and it had been stated in the public papers.³³ In making this motion, he would say, that it is impossible for a member of the House, who wishes to discharge his duty, not to pay some attention to what appears in the public newspapers. Without assuming that the newspapers are in all instances reliable authority, he was of opinion that when the statements they contain are confirmed on making enquiry, then it becomes the duty of a member of the House, under certain circumstances, to come before Parliament and move for information from official sources. Now, he understood that it had been the practice or custom of one or more heads of Departments, while negotiating securities of this kind, to receive remuneration for so doing; and that it has been agreed to pay, or there has been paid, to him a certain commission. It became the more necessary to have positive information on the subject, as legislation has taken place from time to time with reference to debentures issued by Corporations, and the members of the Government, above all others, should therefore be free from any imputation of having acted in this manner. He did not state as a fact that any occurrence of the kind alluded to had actually taken place. He merely stated what was current out of doors; and asked for this information for the purpose of removing suspicion. He did not wish to impute personal motives to any member of the Government who may have received monies in this way; for it may be that these loans have been negotiated with the sanction of the Government, and that the premium, or commission, has gone into the Provincial Treasury, and forms a part of the Consolidated revenue. He merely wished to know the facts, for as long as the present form of Government exists, it is absolutely necessary that all the members of the Government should be above suspicion of negotiating securities for fee or reward.³⁴

MR. INSP. GEN. HINCKS rose to object to the³⁵ motion: he did not think it a proper one to be put.³⁶ The hon. member, ... was asking for information which the head of the Government could not furnish.³⁷ He could not answer for his colleagues; but, for himself he could say although he did not know that it was proper for him to answer such a question at all,³⁸ the subject of the motion had no reference to any transaction on behalf of the Government, but to the supposed private transactions of a member of the Government, and the head of the Administration not only had no right to take cognisance of those transactions, but he had not the power to give the House any information respecting them. With respect to the newspaper statements referred to by the member for Toronto, he would say that he had been so much occupied during the last few days that he had not an opportunity of seeing the charges made against a member of the Government. If those charges had reference to himself, he would say in reply to them: "no: no member of the Government has received any fee for negotiating any securities."³⁹ He had never received any remuneration for such services as were mentioned in the motion.⁴⁰ But he did not conceive that this is a proper subject on which to found

an address to the Governor General. It has nothing to do with the public securities of the Province. If the hon. gentleman thought it probable that, under any circumstances, a member of the Government had acted in the manner in which he would lead the House to infer, then his proper course would be to come down with a resolution affirming that it is the opinion of the House that no member of the Government should be connected with such a transaction.--⁴¹ He might try if he could get the House to sanction it.⁴² That would be the proper course to pursue; but the present motion would be ineffectual⁴³ [and] was not the way to proceed⁴⁴ as the Governor General can have no knowledge of anything of the kind, nor can any other member of the Government have any knowledge of it. The motion of the hon. member went to a great extent, embracing not merely transactions between a member of the Government and a corporation, but also between man and man; and conveyed an indirect censure on them. He should much rather see the hon. gentleman come down with a resolution, expressly affirming disapprobation of all such transactions.⁴⁵ He (Mr. H.) denied the right of the House to call in question the private transactions of a minister.⁴⁶

MR. R. CHRISTIE opposed the motion.⁴⁷ [He] entirely disapproved of the course taken by the member for Toronto, as it begged the whole question.⁴⁸ He thought it would cast an exceedingly unfair imputation upon the Inspector General. He believed that gentleman was above corruption.⁴⁹ He was glad to hear the observations of the hon. Inspector General, in full and complete refutation of the charges indirectly made against him. If any one would read the motion of the hon. member for Toronto, he would perceive that it affected not merely the seat of the Inspector General, not merely as a member of the Government, but as a member of the House; and he could not conceive how the hon. gentleman could bring forward a proposition intended to blast the reputation of a man for ever, on no other authority than some statement in the newspapers, and without any previous enquiry.--No man in his sober senses could read that motion without coming to the conclusion that it implied that a gentleman filling a Government office had tampered with and degraded the high station.⁵⁰

MR. BOULTON.--It alludes to no individual.⁵¹

MR. R. CHRISTIE.--It alludes to a member of the Government. He could not repress his indignation on seeing such a motion come from his side of the House. If it had proceeded from a member on the ministerial benches, he should have felt it to be his duty to second the motion; but he must say that it was discreditable to the opposition that such a motion should originate with them. Why did not the member for Toronto make a distinct charge, in distinct terms, against the person whom he supposed to be guilty of corrupt practices? He (Mr. C.) would then have felt bound to stand by him, in order that all suspicion might be removed. This proposition he could not support; for it was too much like the system generally pursued, of imputing corrupt motives to members of the Government;--a system most discreditable to us, and injurious to the country.--The hon. gentleman ought to stand forward, and say boldly that he believed the truth of the charges implied, instead of coming indirectly to the point. Now, he would say that he was no friend of the Government. He had no favours to ask of them, and expected none; but he knew the hon. gentleman to whom the papers alluded; and he would do him the justice to say that he was the most independent and disinterested man in the country.--He was above anything sordid; and he would not believe, except on the most substantial proof, that he was capable of anything corrupt. He would not say another word, but merely express a hope that the motion would be turned out with the contempt it deserved.⁵²

MR. MACKENZIE could not concur with the member for Gaspé, in thinking that the motion would have the effect that he supposed.⁵³ [He] did not see that the

address would impute improper motives. He went on to contend that it was perfectly fair.⁵⁴ A few days ago, he moved for a detailed statement of expenses incurred by the Inspector General in England, and it was sent down in regular order; without his having any more intention of attributing corrupt motives than the man in the moon. It was well understood that persons who went to England for the purpose of negotiating loans should receive remuneration for so doing. He was told of one who went home only a short time ago, with his wife and family, and receives [*sic*] £500 for negotiating debentures of the Great Western Company when, in reality, he did nothing.⁵⁵

SIR A. MACNAB.--Name.⁵⁶

MR. MACKENZIE believed that the name was Edwards. He heard this in a private way, but supposed there was nothing private about it. It became a matter of some importance that the House should have some information on this subject, as there was a bill before the House to consolidate all the municipal debentures. He did not believe there was the slightest intention to throw disrespect on any one.⁵⁷

MR. J.A. MACDONALD (Kingston) said that the motion, as he read it, was certainly open to the objection of the member for Gaspé. It begged the whole question. It asked the Governor what sums the Department have received, thereby assuming that such sums have been received. Before taking such a course, the gentleman who introduced this motion, and who is no doubt actuated by the best motives, should have stated in his place the grounds for assuming that this is the case. He thought the hon. gentleman ought to assume that responsibility, and that the House ought to hold him to it. The House had heard from the Inspector General who went further than was, perhaps necessary, that no such sums had been received by any member of the Government.⁵⁸ [He] distinguished between public and private transactions of members of the Government⁵⁹. The motion divided itself into two parts; the first related to the sale of municipal debentures; the second to the right of members of the Government to act in their private capacity as agents for individuals. Relative to the first branch there could be no doubt if a member of the Government received a sum of money as a reward for negotiating securities, he should be expelled from the Government, from the House, and from the society of all honest men. Then the other question is as to whether he may have acted as an agent for private parties, or for individuals, and with that the House had nothing to do, and in his opinion had no right to enquire⁶⁰ [or] to interfere with their private transactions.⁶¹ He could see no reason why a gentleman going to England should not accept a charge apart and distinct from his official capacity, if a request to that effect were made to him. He could see nothing improper in it.⁶²

MR. GAMBLE could not agree with the member for Kingston, with regard to this matter. This motion made no accusation against any one. It merely asked for information on a particular point; and he, for one, would not stifle inquiry at the outset. The hon. member for Toronto had some reason, no doubt, for making the motion, and he hoped that the hon. member would state that reason. But he could not agree with the member for Kingston as to the private character of a member of the Government. It was impossible to separate the private from the public character. For these reasons and because he could see no possibility of any injury resulting, he should support the motion.⁶³

MR. R. CHRISTIE objected most decidedly to the accusation of any one, without stating what grounds there are for the accusation; that was his first objection; he should next object to the motion on principle. It imputed to the Inspector General the receipt of a bonus on the sale of certain debentures with the knowledge of the Governor General, thus implicating the head of the Government in a

culpable transaction. He could not remain silent when such attacks were made upon public men. If the hon. gentleman chose to stand up in his place, and assume the responsibility of bringing a direct accusation, an impeachment, of any member of the Government, let him do it; he (Mr. C.) should not throw any obstacle in his way, but he should never give his sanction to indirect accusations against the members of the Government, or to unworthy insinuations tending to traduce the character of the Governor General.⁶⁴

MR. BOULTON said that, notwithstanding what he considered the very unmerited observations of the member for Gaspé, he could assure that hon. gentleman that there was no one in the House more willing to assume responsibility when thrown on him than he was. He was perfectly willing to assume the responsibility of every one of his acts; and he defied any one to say that the course he pursued on the present occasion was dictated by unworthy motives.⁶⁵ He had not brought the motion out of any desire to injure the Inspector General⁶⁶. He knew perfectly well, that while ranged in opposition to gentlemen on the Treasury benches, he should be careful not to impute to them unworthy or corrupt practices; and that in seeking for information, every appearance of casting imputations on them should be carefully avoided. He had acted with that knowledge.⁶⁷ He denied that his motion in any manner reflected upon the Inspector General, or any other member of the ministry.⁶⁸ He had framed the motion in such a way as to leave the Inspector General to reply in the negative, as he had done; and⁶⁹ he thought that that gentleman ought to be obliged to him (Mr. B.) for affording him an opportunity of explanation after the statements which had been recently made in the newspapers.⁷⁰ There was not a single member of the Government whose character he would wish to impugn: but as long as those hon. gentlemen occupied their places on the Treasury benches, and as long as he was in opposition, he should always discharge his duty, no matter how unpleasant it might be to them or to others, when he has reason to believe that they were pursuing a course prejudicial to the interests of the country. He was now placed in such a position that he must either bear the reproaches of the member for Gaspé or justify the course which he had pursued. He should attempt to do the latter, whatever it might lead to.⁷¹ He was glad to be able now, on the hon. Inspector General's assertion, to believe that what had appeared in the newspapers was incorrect but he had read in the Montreal "Herald," the account of a speech by Mr. Councillor March⁷² delivered in that city to the effect that the Bank of Montreal had made an arrangement to dispose⁷³ of £100,000⁷⁴ of debentures of the city of Montreal in London; that for so doing, the Bank of Montreal was to receive one per cent, and that Baring Brothers were to receive one per cent. It was stated that the debentures were to nett the corporation 98. It was also stated that when the Inspector General was in England--if this were not published in the Herald he had it at least, on good authority--Baring Brothers referred to him on the subject of this loan, and that the hon. gentleman suggested that it was perfectly safe, but that legislation of some kind was necessary. The substance of the charge was that in consequence of the negotiation in which the Inspector General was concerned, the Bank of Montreal was to be deprived of the one per cent and that the hon. gentleman was to receive it; and that in furtherance of the object which he had in view, the Corporation of Montreal had already received on account, through his negotiation, £20,000 from the Bank of Upper Canada: that he had received one per cent, on the amount, and had actually drawn on Glyn, Halifax and Co. for the amount; that the drafts had been seen in this city, and that in the meantime, legislation is to take place. Even if the transaction were such as had been described, there was nothing in the reading of the resolution which would insinuate that the monies went into the pocket of the Inspector General instead of going into the Provincial Treasury. He was told that there was no doubt about this transaction having actually taken place. He was told of it by parties intimately connected with every public transaction in Montreal, and whose authority

is indisputable. He had, however, framed the motion in a general manner, as he desired to obtain the information without making a distinct charge against any one. He must say that he was rejoiced when he heard the statement of the hon. Inspector General, as it was a complete refutation of the statements he had heard. Having been called on to give the reasons for making this motion, he had stated them, but he would say that it was in no unfriendly spirit to the Premier.⁷⁵

MR. PATRICK had seconded the motion of the member for Toronto without having read it; and he hoped after the discussion that had taken place that the hon. member would consent to withdraw it. He would say, however, that he thought the member for Gaspé had shown a great deal of heat which was scarcely warranted by the motion he had seconded. He considered that the debate on that motion would, in fact, do good, and that the statement elicited from the Inspector General was calculated to remove injurious impressions which might otherwise have taken root.⁷⁶

MR. STREET really thought that the Inspector General, instead of having cause to complain of the member for Toronto, as the member for Gaspé seemed to infer, ought to be grateful to him for affording an opportunity for explanation on this subject. Any person placed in the position of the hon. gentleman ought to be glad of having such an opportunity afforded him; and he must confess that he never was more gratified than when he heard that hon. gentleman say that he had had nothing to do with the transactions referred to.⁷⁷

MR. INSP. GEN. HINCKS said that the views of the⁷⁸ hon.⁷⁹ member for Kingston coincided exactly with his own.⁸⁰ He had not believed at first that the resolution was directed against him, and he had seen no charges against him in the newspapers, as he had been too busy to [sic] read them for some days past.⁸¹ In listening to the member for Toronto, he did not think the hon. gentleman cast any personal imputations of corrupt conduct on him in the capacity of head of a department. It appeared to him, however, that the object of the hon. gentleman's motion was to investigate the private transactions of a member of the Government. Now, he was not in the slightest degree afraid that the House should judge of any private transaction in which he was engaged, no matter what it might be. He should not fear that the House would pronounce any one of his private transactions to be dishonourable; but he denied the right of the House to enquire into his private transactions.⁸² He did not think the House would sanction that principle.⁸³ The hon. gentleman had taken a course contrary to the usual course of Parliamentary business, and which would lead to an investigation of all his private conduct. It was for that reason he had objected to the hon. member's motion. Everything that he had done with reference to the negotiation in which the Bank of Montreal was concerned had been stated in the public newspapers within the last few weeks, and he was certain that the course he had taken would meet with the approbation of every one⁸⁴ of the citizens of Montreal⁸⁵ who was acquainted with it. That was his answer to the last statement made by the hon. member for Toronto.⁸⁶

MR. BADGLEY should be very sorry to support the motion for an address. It conveyed a censure on the head of a department, and an indirect charge of having improperly received a sum of money; and for that very reason he thought it should not receive the support of the House. If any charge of that kind were made, it ought to be brought boldly and openly, instead of covertly leading the House to cast censure where there was no proof of corruption. With respect to the observations of the member for Kingston, he differed totally with him as to the propriety of a minister of the Crown accepting charges of the kind mentioned by that hon. gentleman. He thought that a Minister of the Crown should be entirely free from connecting himself with any private transaction of a pecuniary character in England or elsewhere. It seemed to him that it was impossible to separate his private from his public character: but he wished it to be understood that he did

not suppose the House had the power or right to interfere with any transaction occurring between individuals. It was solely in reference to dealings between public bodies and a member of the Government that he said it was impossible to separate his private from his public character. He thought that this motion was unjust to the Government, and hoped that it would be withdrawn.⁸⁷

SIR A. MACNAB took the same view, and replied to some remarks of Mr. Mackenzie relative to another matter.⁸⁸ [He] said that the member for Haldimand had made an allusion to a friend of his; and he should be wanting in a sacred duty if he allowed that allusion to pass without remark. The hon. gentleman wished the House to understand that Mr. Ewart had induced the people of Dundas to give him £500 for the purpose of taking his wife and family to England.⁸⁹

MR. MACKENZIE--Not at all. What he had said was that Mr. Ewart had received £500 for going to England and trying to negotiate the debentures of this great concern, the Great Western Company; and that he took his wife and family with him. He made the allusion out of no disrespect to that gentleman, but for the purpose of showing that every person who went home on business of that nature was paid for his trouble.⁹⁰

SIR A. MACNAB thought that the people of the neighbourhood of Dundas could manage their business very well without the interference of the hon. member. He could tell how Mr. Ewart got this money. The facts are these: some gentlemen in Dundas succeeded in procuring an Act of Parliament authorizing them to raise £25,000; and they asked Mr. Ewart, who has powerful connections in England, to go home and try to raise the money; he said that he feared he would be unable to get it; but they told him that if he would make the attempt they would give him £500. He would leave the House to judge whether there was anything wrong in the transaction.⁹¹ Members of that House might be opposed to each other in political principles, but they would repudiate the doctrine of injuring the character of any gentleman by an unfair means and in the absence of evidence.⁹² With regard to the motion under consideration, he would admit at once that if the member for Toronto had made out a case the House would have gone with him. But as he did not make out a case, as he had not pursued a straightforward course, he could scarcely expect the support of the House. In that motion he asks nothing more or less than this; what sums have been received by members of the Government for the services referred to?--Now, if that means anything, it means that sums of money have been actually received.⁹³

MR. BOULTON.--The Inspector General admits that.⁹⁴

SIR A. MACNAB.--No. The Inspector General admitted nothing of the kind. It was quite true that he, and gentlemen on his side of the House were ranged in opposition on political questions to the Inspector General; but he would ask if it was fair that they should take up every newspaper charge against the hon. gentleman and his colleagues, and make it the ground of a motion covertly charging him with dishonourable conduct, and implicating others in that charge?--Would they disgrace an hon. gentleman, and drive him from his seat in the House and the Government, on such a charge as that? He should think not. Why, he recollected very well the time when the former Receiver General of the Province, Mr. Dunn, had the whole control of the Provincial funds, put them into the hands of any person he chose to select, secured the whole interest which amounted to something better than his salary, and in addition received about £1500 or £1600 a year from a very complaisant Parliament for his services. He would say that if the hon. member for Toronto would bring a formal charge such as the House should listen to, he would be willing to support it; but he trusted that the House would not lend its countenance to this motion.⁹⁵

MR. PATRICK was satisfied with the explanation of the Inspector General, and asked the member for Toronto to withdraw his motion, which he (Mr. Patrick) had seconded.⁹⁶

MR. STUART expressed his satisfaction at Mr. Hincks' explanations.⁹⁷

MR. RIDOUT said that the motion of his hon. colleague had caused very naturally⁹⁸, deep interest⁹⁹ [and] intense anxiety in the minds of hon. gentlemen, as they felt that it was one which certainly affects the character of hon. members on the Treasury benches, and more particularly that of the hon. Inspector General. He had listened with much attention to the reply of the hon. Inspector General, and understood him distinctly to state that he had not in any negotiation of Provincial securities, derived any profit whatever. That answer was just what he expected, and he was sure that the House¹⁰⁰ were all glad to hear the hon. member's ... explanations ... and ... [that] they¹⁰¹ must have heard it with satisfaction.--The gallant knight who represented Hamilton¹⁰², Sir Allan McNab¹⁰³, had adverted to the sums of money formerly paid to the Receiver General of this Province, and appeared to consider that there was some approximation between the situation of that gentleman and that of the Inspector General; but he differed thus far with the observations of the gallant knight--that the arrangement with regard to the Receiver General's office, is totally changed since the time when it was filled by Mr. Dunn, who was allowed to deposit the money wherever he pleased, and to receive the interest, if he thought proper. That system is now changed, and changed for the better. This question caused the minds of hon. gentlemen to turn to the consideration of another subject; whether a gentleman filling the high office of Inspector General is at liberty to make any private arrangement with regard to any of the securities of this country other than those of the Government. His own opinion of the matter was that it would be better for a gentleman filling so distinguished a position not to be the medium of transactions of that nature; but he did not know of any law or custom by which he is precluded from doing so. Take the instance offered by the Inspector General himself; if debarred from any private pecuniary transactions it is evident that he is placed at great disadvantage when compared with his colleagues, more especially the gentlemen of the legal profession, whose position as law officers of the Crown frequently leads to an increase of business. For this reason, he thought that the House should draw a very wide distinction between transactions made on behalf of the Government and those connected with municipalities or corporations. He felt perfectly satisfied with the answer of the hon. gentleman that he had derived no pecuniary profit from any transactions on the part of the Government. He must admit that his colleague had not made out such a case as he had expected; but he believed that he had been actuated by good motives.¹⁰⁴

MR. R. CHRISTIE (Gaspé) said that there appeared to be an impression on the minds of some hon. gentlemen that he had attributed improper or personal motives to the member for Toronto, in bringing forward this motion. He had not done so. He had disclaimed the attribution of any personal motives. He had merely said that it begged the whole question. He had also said that if the hon. gentleman would establish a case, he (Mr. C.) would go with him, and assist him in the inquiry.¹⁰⁵

MR. BROWN said he could not concur in the views enunciated by some hon. gentlemen on the subject before the House, and he must express his extreme astonishment that such sentiments should be promulgated in that House. He could not enter into those fine drawn distinctions between a Minister of the Crown taking a commission for a public service in his public capacity and in his individual capacity; and he was free to say that if the statements of the hon. member for Toronto were correct, the matter was, in his opinion, of a very serious

character, and could not be overlooked by the House.¹⁰⁶ [It] ought to be taken under the consideration of the House.¹⁰⁷ If there was even ground to suppose that such things could be done under our constitutional system with impunity, means should be taken to put an effectual stop to it. Did honourable gentlemen consider the nature of the charge when they spoke as they did? Shall the Province of Canada go to England, on a public mission, and at the public expense, and sell the influence of his high official position while there to our own local municipalities for a per centage! Shall our Minister of Finance be permitted to use the knowledge and standing in the money market accruing from his office, in stock-jobbing and bound-brokerage! How could any one maintain such a¹⁰⁸ monstrous¹⁰⁹ proposition for a moment? Nothing would so bring the government of the Province into contempt with the people as this, and nothing could be more ruinous to our credit in the mother country.¹¹⁰

MR. RIDOUT said the hon. member for Kent had risen with great warmth, apparently for the purpose of replying to him. He begged to inform the hon. gentleman that he had said it would be better for a person in the high position of the Inspector General not to take any part in such transactions.¹¹¹

MR. INSP. GEN. HINCKS would spare the hon. member for Kent a great deal of virtuous indignation, by assuring him that nothing of the kind to which he alluded had been done [by him].¹¹² (loud laughter.)¹¹³

MR. BROWN, when interrupted,¹¹⁴ was going to come to that, (continued laughter.) He was going to say that he did not believe the Hon. Inspector General would do¹¹⁵ any thing of the kind. He had known that hon. gentleman for the last ten years: and, so far as he knew there was not the slightest ground to doubt his perfect integrity in pecuniary matters.¹¹⁶ He had been placed in situations of great delicacy and difficulty in financial matters, but his conduct had always been most scrupulous and above reproach....But he was indignant to hear doctrines advocated in that house that a member of the government in the position of the Inspector General might carry on the business of a stock broker, and put money in his pocket.¹¹⁷ When the charge now before the House was repeated to him, he at once said that it could not be true. The statement was that the hon. gentleman had taken the negotiation of the loan in question out of the hands of the Bank of Montreal and completed it himself--that legislation was necessary, ere closing the transaction, and one of the two Bills now before the House was to meet the necessity; but that in the meantime, he (Mr. Hincks) had obtained for the municipality from the Bank of Upper Canada by his political and financial influence, an advance of £25,000.¹¹⁸

MR. BOULTON.--£20,000.¹¹⁹

MR. BROWN.--It might have been twenty thousand, and that he had received £1,000 for his services, by bills drawn on Glyon, Mills & Co.--He felt assured that the Inspector General would not commit himself in such a transaction. His indignation was roused by hearing honourable gentlemen attempt to palliate such a case and draw a distinction between the private and public position of a minister of the Crown in regard to it. The hon. gentleman went to England as the political and financial head of this country for the purpose of negotiating a great public measure, and if he had availed himself of his position and sold the influence acquired by it, like an ordinary broker, he would have merited impeachment. He was therefore exceedingly happy to hear the hon. gentleman give a full and explicit contradiction to the whole charge.¹²⁰

MR. CAUCHON did not express any opinion as to the question before the House; but he thought that a principle, a rule, should be laid down for the guidance of all public members for the future; for some persons might imagine that because

we are in a new country, and because there are few persons in the country of thoroughly independent means, members of the Government would be justified in dealing in such securities--This is a mere moral rule, and if the House was of opinion that members of the Government should not act as brokers or paid agents for any corporation, it should say so.¹²¹ [He] expressed his belief in the purity of the Inspector General¹²². He could not say that the Inspector General took any part in transactions of the nature mentioned by the member for Toronto, because he had said he had not: and the House, out of respect to themselves, were bound to believe that what he said was the truth. But admitting that the statement of the Herald were correct: and that it had happened for the reason given by the junior member for Toronto, that the Inspector was placed in a worse position than his colleagues, what would be the consequence of that rule? Simply, that public men in that hon. gentleman's position are not sufficiently paid. He did not wish to see gentlemen placed in the high position of members of the Government seeking for means of pecuniary advantage beyond their salaries. They ought not to be compelled by insufficiency of their salaries to become private agents or brokers.¹²³ Sufficient salary ought to be given to a minister, to place him above petty jobbing on his own account to eke out his living.¹²⁴ If the position of affairs is such, that gentlemen occupying high public stations are not independent, a remedy ought to be provided--means should be adopted to render them independent. He had always held that opinion. He had always said that the members of the Government are not paid enough, and he had, therefore, always despised the cry "cut down the salaries!" He had no sympathy with such a cry. He said "place them in a position where they may be independent, and above suspicion." He would be glad to see the member for York, if he was not in a position to sustain the charge, come forward and lay down rules for the guidance of public men in future.¹²⁵

MR. LANGTON held that it would be extremely improper for any person, in the high position of the Inspector General--a position that gave him character and influence in the money market, to become a broker for loans for municipalities. The junior member for Toronto said, that there was no law or custom against his doing so, and appeared to palliate it; and the gallant knight from Hamilton, having some recollection of the good old times, seemed to think it would not be wrong. But he differed totally from those hon. gentlemen. He was of opinion that it would be not only extremely incorrect, but that there could be no palliation. If the hon. Inspector General, when the subject was first mentioned by the member for Toronto, or when the details of the subject were mentioned by that hon. gentleman, had stated that the transactions imputed to him had never occurred, he should have been satisfied; but instead of giving a direct denial, he had said that the House had no right to inquire into the matter, as it was a private affair of his own. When he heard that statement of the Inspector General, he could not be still, and by his silence give an apparent assent to it; for he felt that that was not a doctrine which should be propounded. He felt that the House had a perfect right to inquire whether such a transaction had occurred. He was not acquainted with the particulars of the subject; but he understood from the discussion, that some further legislation is necessary, in order to give the debentures which the Inspector General is supposed to have negotiated, a high standing in the market. If this should be the case--if legislation is to be had for this purpose, it is another reason why a member of the Government should have had nothing to do with the transaction.¹²⁶

MR. BOULTON would be happy to withdraw the motion, if the House understood the actual position of the case; but it appeared to him, and to several gentlemen around him, that the Inspector General, in the last remarks which he made, admitted the whole case. The facts, as they were stated to him, were that the

people of Montreal were endeavouring, while the Inspector General was in England, to negotiate a loan for £100,000; that the Inspector General undertook to negotiate this loan for a consideration which he had actually pocketed; that the corporation of Montreal had received £20,000 from the Bank of Upper Canada on account; that the Inspector General had received one per cent, on that sum--that is to say £1000; that he had drawn on Glynn, Halifax & Co. for that amount; and that his drafts were seen in this city. These facts appeared to be admitted by the Inspector General, but he denied the right of the House to inquire respecting them. If this was really the case, it appeared to him that the address would carry. If, however, the hon. gentleman wished the House to understand that he did not negotiate the loan for any reward or promise of a reward, and did not get the one per cent. on £20,000, he would withdraw the motion. Hon. gentlemen around him, however, appeared to think that the Inspector General had admitted the facts, merely asserting that it was a private transaction, and that it should be left to the people of Montreal to determine whether he was right or not. Moreover, it was stated that in order to justify the withdrawal of the loan from the Montreal Bank, further Legislation became necessary; and that a bill was to be brought down to effect that object. If that is the case, it was clear to him that it could not be viewed as a private transaction, but should form the subject of investigation by the House.¹²⁷

MR. INSP. GEN. HINCKS said he had omitted; when up before, to notice the statement first made by the member for Toronto, with reference to the bank of Upper Canada. The Corporation of Montreal desired to effect a loan¹²⁸ for the Montreal Fire, and had made an application for it¹²⁹; and the branch of Upper Canada expressly desired to loan them the money. The loan was effected; but he did not know what were the terms; for he knew nothing of the details. Now, with regard to the commission which he was said to have received on the transaction, he would state everything that occurred.¹³⁰ He continued to narrate in detail the part he had taken in the matter up to the introduction of the Bill before the House¹³¹. When in London, he was spoken to by Mr. Baring¹³² [of] Messrs. Baring, Bros.¹³³ on the subject of the loan which his house had the power of negotiating in connection with the bank of Montreal. Mr. Baring told him the various objections which he had to their bonds under the existing law. He replied that he had no doubt it would be possible to pass an act to remedy the evils he complained of, and to put the bonds of the corporation on the same footing as the municipal bonds of Upper Canada. He wrote to Mr. McGill, President of the bank of Montreal, on the subject; and he afterwards received a letter from the mayor of Montreal, in connection with it. He believed that there were some other communications with the Messrs. Baring, and the result was an offer to the corporation of Montreal of 96 for the bonds. Mr. Baring told him the circumstances of the case, and he said that the offer would not be accepted. That was all he knew of the transaction in England. After coming out to Canada the subject was mentioned to him again: the corporation were determined to sell at 98; and he said that he thought he knew parties who would negotiate at that price. He wrote to a party that he thought would be able to effect the negotiation; and he received letters on the subject, stating that the loan could be raised in a certain way, by terminable annuities--and he wrote to the Corporation of Montreal informing them that it could be raised on those terms and at that price. A bill was prepared, and submitted to the Corporation of Montreal to carry out the negotiations of Mr. Baring. After that time, the party to whom he had written, submitted the matter to the Solicitor of the Corporation, and the result was that such amendments were suggested to the bill, and a proposition was made of such a nature that he felt perfectly certain all possibility of effecting the negotiation was precluded. There the matter stands.¹³⁴

MR. BOULTON.--There was no understanding or agreement that you (the Inspector Gen.) should receive any commission?¹³⁵

MR. INSP. GEN. HINCKS.--There was no understanding of that kind. He supposed that the hon. Gentleman would understand that the loan would be negotiated by the parties who had refunded.¹³⁶ [He] said that he had never received any commission or remuneration for what he had done.¹³⁷

MR. BOULTON said he was satisfied, and¹³⁸ withdrew his motion.¹³⁹

[WITHDRAWN MOTION RE: GRANT OF LAND IN BROCKVILLE TO HON. JAMES MORRIS.]¹⁴⁰

MR. BOULTON moved an Address to His Excellency, praying that he will cause to be laid before this House, copies of all Correspondence between the Hon. James Morris and the Government, respecting a piece of ground in the Town of Brockville, granted to him by Patent in 1850 or 1851, together with copies of all Petitions or Communications on the subject of the said lot, and of all Reports, Orders in Council, and Minutes made in reference thereto, at any time between 1844, and the present year.¹⁴¹ He had seen it stated in the public prints, that a piece of land forming part of the Court House square in the town of Brockville, and which belonged to the county of Leeds, had been fenced in by the Hon. James Morris. He had ascertained that, subsequently, a patent was issued to Mr. Morris by the Government; and that he had afterwards surrendered it. It was stated in the paper which mentioned these facts, that a great sensation was caused in the town of Brockville when it was known that the patent had been issued; and that the patent was then returned to the Government. These are matters respecting which the House should be informed. It should know how they took place, and why they took place. He did not desire to throw any censure on Mr. Morris. If there were any blame, it attached properly to the Commissioner of Crown Lands.¹⁴²

MR. J.S. MACDONALD the SPEAKER.--Who seconds the motion.¹⁴³

MR. BOULTON.--Will you, Mr. Murney, second the motion.¹⁴⁴

MR. MURNEY would be very sorry to do so.¹⁴⁵

MR. INSP. GEN. HINCKS would second the motion himself, as there was no desire on the part of the Government to withhold the papers. He would state the whole case, for after the remarks which had been made, it was desirable that all the facts should be known. "A good many years ago, the plot of land forming the Court House square in the town of Brockville was confided to the crown in trust; the property of Mr. Morris was situated on one side of this square; and in front of his property he had a stone fence, and on the outside of this fence there were some trees, planted by himself; to protect these trees, a board fence had been erected on the outside of his property. Some of the members of the town council, or county council, he forgot which, called on Mr. Morris, and urged him to remove the board fence, which was an eye-sore to the town, and to put up a handsome stone fence instead; he complied with their request, and put up a fence under the authority of the local council on the outside of these trees, to the great improvement of the town; and at an expense of £250 to himself. Some time after, an attempt was made to get him into difficulty about this small piece of ground; and the effect was, that he applied to the crown for licence of occupation. The Government of the day, thinking that it was scarcely worthwhile to issue a licence of occupation for this piece of land, which was only seven feet wide, gave him a deed. Some few months ago the matter was brought to public notice through the public newspapers, and it was true that some excitement was caused by the announcement that he had obtained a deed. The moment he perceived that, feeling very

sensitive on these points, he surrendered the deed, and obtained a lease of occupation. That was the substance of the correspondence on the subject in the possession of the Government.¹⁴⁶

MR. PROV. SEC. MORIN said that the Inspector General had omitted one feature of the case. There were two authorities at issue about this plot of land, the Town Council of Brockville and the County Council of Leeds. The Town Council desired to give the land to Mr. Morris, on account of the improvement that he had effected in the appearance of the Square; but it appears that they did not possess the necessary authority to confer it on him. It was urged by some persons in the town that the deed ought not to have been issued, and that the fence ought to be removed; as the Inspector General had said, the hon. Mr. Morris being extremely sensitive returned the deed, as he thought some imputation was thrown on his conduct. In consequence of this surrender on his part, the title was again vested in the Crown, and he was granted a life tenure of his fence and trees with the full concurrence of one of the local authorities he had mentioned.¹⁴⁷

MR. CRAWFORD was intimately acquainted with this transaction from the beginning, and corroborated the statement of the Inspector General in every particular. The Town Council had made application to Mr. Morris to remove his board fence, which was getting worse year after year, and put up in its place, a handsome stone fence; but it was subsequently discovered that the County Council had the right to the land. The fence was put up in a very ornamental manner, and no difficulty occurred for some time. Mr. Morris was afterwards annoyed by some people, not of the most respectable class, and to free himself from the annoyance, applied to Government for a license of occupation; Mr. Price, who was at the time Commissioner of Crown Lands, gave him a deed for the land instead of the license; and when it became known in the Town that a deed had been issued, a good deal of excitement ensued, because it was supposed that Mr. Morris had taken advantage of his position as a member of the Government to secure this piece of land for himself; but it subsequently appeared that the deed had been issued, previous to his acceptance of office as a member of the Administration. After he received the certificate, some of his friends waited on him, spoke to him of the excitement which existed in the Town on the subject, and he said that he would send the certificate back. He did so, and procured the license of occupation. The entire value of the land was £17; and the cost of removing the old fence, and putting up the new one amounted to £250; so that it was evidently a very small affair; the value of the land being a mere nothing, and the expenditure incurred by Mr. Morris at the request of the Town Council for the purpose of beautifying the Town having far exceeded that value.¹⁴⁸

MR. SHAW, who had been a member of the district Council at the time the land first passed into the possession of the hon. Mr. Morris, confirmed the statements of the previous speakers and also characterized the motion as a very small affair.¹⁴⁹

SIR A. MACNAB advised the member for Toronto withdraw his motion.¹⁵⁰

MR. BOULTON refused to take the hon. members [sic] advice.¹⁵¹

A long discussion, in which nothing new was elicited, followed. MESSRS. COM. CR. LANDS ROLPH, GAMBLE, MURNEY and STUART, contending that Mr. Morris' conduct was above all reproach, and that he was most anxious to covet investigation.¹⁵²

The motion was ultimately withdrawn¹⁵³ [as] it was contended that the affair was of no public interest, and that Mr. Morris' conduct in relation to it had been above reproach.¹⁵⁴

[POSTPONED MOTION RE: REDUCTION OF DUTIES ON RED PINE TIMBER.]¹⁵⁵

MR. BOULTON ... moved that a Select Committee be appointed to inquire into the circumstances connected with the late reduction on Red Pine Timber, with power to send for persons and papers, and to report thereon, such Committee to consist of Messrs. Cartier, Hartman, Stuart, Langton, and the Mover.

He began his remarks by saying that his attention had been called to this subject by the following remarks in the Patriot newspaper:--

"I may state, however, now, that on the 14th of September last, a half penny a foot was privately reduced by the Commissioner of Crown Lands, from the charge on Pine timber, to the benefit of a partisan, of from two to three thousand pounds, whilst on the 17th day of the same month of September, an eminent commercial house who were not partisans, were informed by letter, from another member of government, that the charges were not reduced; and they were large losers in consequence. Thus, to serve a partisan, and to buy a vote, is the charge reduced, at a particular time, and in a manner that the very members of government themselves did not understand; whilst a large commercial house is driven out of the trade, and subjected to a large charge besides, for want of this information;-- for being, in fact, imposed upon by a member of the Government itself. I forbear to mention names now, but am prepared, by dates, letters, and the most respectable merchants in this country, to prove every word, and more even, than I have indicated. The matter will come up in the House shortly; for the oily and cunning Commissioner of Crown Lands, though he can sneak out of the House to avoid a vote, cannot shirk this inquiry."

He [then] stated that the hon. members would remember that the Clergy Reserve debate had commenced on the 14th September, and was not concluded till the 17th or 18th. In the course of this time several votes were taken, and of the party known as the Ottawa party, some who usually voted with the Government had voted against them on the 15th, and with them on the 17th. Now, concurrently with those circumstances to which he had alluded, there was a reduction of the duty on our pine timber, which was understood to have been very favorable to certain timber interests. In reply to a question which he (Mr. B.) had put on the subject, the hon. Commissioner of Crown Lands stated that this reduction was made on the 14th September by an order in Council, a copy of which order he (Mr. B.) had obtained from the Commissioner, and had still in his possession. He had afterwards moved for an address for correspondence connected with this subject, which correspondence had not yet come down. Well, now it appeared that on the 16th day of the same month, two days after this order in Council purported to have been written, the hon. Mr. Young¹⁵⁶, then in the ministry,¹⁵⁷ wrote to a very large lumber house, the Messrs. Gilmour, to say that the reduction in question could not be made until some general regulations on the subject of the trade had been passed.¹⁵⁸ Hence Mr. Boulton concluded that the date of the order was wrongly given, and that the order was really made upon the day before, or the same day as the vote was taken on the Clergy Reserves¹⁵⁹ resolutions¹⁶⁰. This he said had led to statements that the reduction had influenced the votes of members of the Ottawa interest.¹⁶¹ From this discrepancy then there arise one or two things; either the hon. member for Montreal had intentionally deceived the Messrs. Gilmour by writing to them that the order could not be passed, when, in fact, it was passed, or the date of the order in Council was incorrectly given by the Crown Lands Commissioner. If it were true that the order in Council were made on the 14th, however, he wanted to know why it was that every body connected with the trade was not informed at the same time of the change?¹⁶²

MR. INSP. GEN. HINCKS said, that it was perfectly absurd to suppose that any corruption had taken place....There was some discrepancy of dates, which would no doubt be explained when all the statements came down, at present the House had nothing official before it.¹⁶³ Mr. Hincks said the hon. member had taken

upon a mare's nest, and out of a question involving some trifling error of dates, had sought to make a charge of buying votes for the hon. member admitted himself the expediency of the reduction of duty. The fact was, that the reduction of duty had been before the Government for two years, and the only reason for delay was the desire to combine with the reduction a general set of regulations to prevent fraud. At length, in July last, the Commissioner of Crown Lands reported in favor of this reduction, but he (Mr. Hincks) opposed its immediate adoption, for the reason he had already alleged. At last he gave way on the point, having been assured that the delay was operating to the injury of the trade, and the order was passed. If the hon. member for Montreal, however, wrote the letter on the 16th, as he dared say he did, it was perhaps to be accounted for by the fact that the hon. member was absent from the Council when the order was passed, and was not aware of the fact that it had been passed, though, he doubtless knew well that the subject was coming up, and that the Government were prepared to make a change. The order in Council, if the House pleased, might be produced, and would, no doubt, prove upon what day it was really done. He knew the injury to trade caused by increasing or diminishing duties; but he had heard no complaints of specific injury from this change, and all he could say was, that if there had been any injury done, and a case were made out, that the Government would very readily afford compensation.¹⁶⁴

MR. YOUNG¹⁶⁵ after confirming what Mr. Hincks had stated as to the progress of this measure before the Council, said that on the same day, about the 14th of September, Messrs. Gilmour had come to him and had asked him whether anything would be done towards the desired change, he replied that he thought something would be done that day. They begged him then to let them know if anything were done; and in the course of the day, while in the Council, seeing the thing could not come up, he wrote a note to them marked private, in which he stated that nothing could be done then.¹⁶⁶ Mr. Young said that when he wrote his note, the order in Council had not passed, and that he was under the impression that it was in consequence of that note that the government was pressed to pass it¹⁶⁷ and he could not account for the discrepancy.¹⁶⁸ The measure had been long determined on, and only delayed, because it was intended to couple it with a more general measure.¹⁶⁹

MR. SHAW pointed out that he was as much interested as any other member from the Ottawa in this reduction of duty on red pine, and yet he had voted against the ministry on the Clergy Reserves, so that there was very little reason to pretend that the change had been made for the purpose of buying votes.¹⁷⁰

MR. PROV. SEC. MORIN ... [made] some remarks¹⁷¹.

MR. EGAN declared that long before the order in Council was passed, the parties interested had been informed that they might pay the duties or not; that if they did they would be returned to them. It was therefore plain that the change was not made with a view to the Clergy Reserves. He declared that he never had been and never would be, influenced in his vote by interested motives, and never had nor never would ask favor of the ministry.¹⁷²

MR. MALLOCH said it would be no doubt admitted on all hands that he was no friend or partizan of the present government in power. That he had generally opposed them, and would still continue to do so, on such public questions as he conscientiously conceived were not calculated to result in the general welfare of the country. He, therefore, the more felt it his duty not to allow the present opportunity to pass without saying a few words in favor of the course pursued by the government, relative to the subject matter alluded to in the discussion. He was aware, to his own knowledge, that the subject had been pressed

for months on the government; indeed he had pressed the matter on the attention of the government himself.--He was chairman of a numerously attended and highly respectable meeting of the citizens of Bytown and vicinity, at which strong resolutions were passed and an address adopted in favour of the reduction of the duty on red pine timber; and he had presented to this hon. house a petition in its favor from the County Council of the County which he had the honor to represent. He had no hesitation in saying that the government, in pursuing the course they did, had only done an act of justice to that branch of the Ottawa trade. With respect to the insinuations relative to the support having been purchased by the government of the hon. member for Ottawa, on a certain question, that gentleman could well afford to treat such observations with utter contempt. He (Mr. Malloch) had much pleasure in stating that no hon. gentleman could stand higher in the estimation of his constituents than the hon. member for Ottawa, and he was confident no person would dare to make such an unworthy proposition.¹⁷³

MR. CAUCHON also made some observation to the effect, that if the duty were taken off timber already in the harbor, it would operate against the producer and for the buyer.¹⁷⁴

MR. PRES. EX. COUN. CAMERON said that it was easy to understand that a gentleman in the position of the hon. member for Montreal, or anybody else, might make a mistake about a date in writing a note. It was absurd to pretend that Messrs. Gilmour had suffered by this change; they were not in the line of business to suffer at all from it.¹⁷⁵

MR. J.A. MACDONALD (Kingston) thought that the member for Toronto was quite justified in bringing this subject in the notice of the House--the hon. gentleman would not have discharged his duty as a member of the House if he had not done so. How is this discrepancy between the dates explained? By the supposition that the Late Commissioner of Public Works was mistaken as to the date on which he wrote his letter to Mr. Gilmour! Did the hon. gentleman from Montreal himself admit that explanation? The statement of the hon. member for Toronto is, that the letter bears the date of the 16th September, and the gentleman who wrote the letter did not admit that there was any mistake. There was then a very extraordinary discrepancy between the date of that letter, and the date of the order in Council. There was some mystery on the subject which might be readily cleared up by a committee, if the House would grant it; and if Mr. Gilmour were brought before it. Now¹⁷⁶, notwithstanding what had been alleged,¹⁷⁷ he would say that he had reason to believe, that not only was the note correctly dated, but that it was shown to a member of the Government the day after it was written; and that the member of the Government; by whom it was written said that "he would put that all right."¹⁷⁸ [OR] From the information he had obtained, he believed that after that letter was written, the Messrs. Gilmour had shown it to certain gentlemen, who said they would set all that right.¹⁷⁹ He would also say that he had reason to believe that some of the gentlemen connected with the Ottawa trade, were roused by seeing that letter; that on the day following the receipt of that letter which informed Mr. Gilmour that the Government would not consent to the reduction of the duty, they went to the Government¹⁸⁰ and, as the saying was, put the screws on¹⁸¹, as they had a right to do; and, in consequence of that pressure on the Government, they succeeded in getting the duty reduced, and they succeeded in getting an order in Council; and that order in Council was antedated that is to say: it was dated 14th Sept. This information, which he had received from highly creditable parties, was fully corroborated by the statement of the late Commissioner of Public Works, who said that it was not until a day or two after the date of his letter that the order in Council was

granted; that would bring it down to the 18th, while the order really bears date of the 14th. It was a most uncanny mistake, for it renders a very plain transaction a very doubtful one. If, as the member for Montmorenci said, the Government returned to the parties who paid duties, the amount of these duties, without the authority of an act of Parliament, it is very plain that the consolidated fund was robbed of that money. He would say distinctly, that if that statement was correct, they had committed an act which they had no right or authority to do; they had made a distinct missappropriation of the revenues of the province. Now, he would state in his place that he had reason to believe, that the gentlemen connected with the Ottawa trade, after learning that Mr. Gilmour received this letter from the late Commissioner of Public Works, pressed the Government to make an immediate reduction. He had very distinct evidence of that fact. He made no insinuations or suggestions; nor did he think that any insinuations would be justified. He went on further than to state that they asked the Government to make this reduction, the Government thought that the interest of the country would be served by acceding to the request. They had a right to do so; but the reduction ought to have taken effect from the day in which the order in Council was passed. If that order had a retroactive effect, there was a clear misappropriation of the public funds. Under all the circumstances, he thought it would be well for the House to consider whether action on this motion should not be postponed for a day or two, in order to obtain the official papers from the Government¹⁸² [and] to enable the very unfortunate discrepancy to be cleared up. He did not understand, however, by what right it was intended by the government to return these duties; why it would be just as reasonable to return to merchants duties they had paid on sugar, after a reduced tariff were passed. The government had no right to do anything of the kind.¹⁸³

MR. INSP. GEN. HINCKS was as desirous of sending the papers down as the hon. gentlemen could be to see them. Before this discussion, he did not know that the order was dated on the 14th. The papers would establish the date on which the order was passed. He had not the slightest personal knowledge on the subject, and could not say whether the date was the 14th, 15th, or 16th.¹⁸⁴

MR. J.A. MACDONALD was quite sure that the Government was ready to aid in removing all misapprehension.¹⁸⁵

MR. PRES. EX. COUN. CAMERON would state that the Government were so anxious that the papers should be submitted to the House, that he had himself suggested the motion, asking for them, to the member for Grenville.¹⁸⁶

MR. BOULTON said that he required an investigation of the whole subject. It was useless to tell him that the discrepancy in dates arose out of a mistake. It was nothing of the kind. He could recollect perfectly well the position of affairs on the 16th September. He could remember that it was stated publicly, that the members from the Ottawa were not going to vote for Mr. Hincks' Clergy Reserve resolutions; but after the note from the late Commissioner of Public Works, it was stated that they were going to hold a meeting, that they were going to put the screws on the Government, and on the morning of the 17th, when it was known the division would take place that day, and when it was supposed that the division would be a very close one, it was reported that the Government had given way, and that the reduction of the duty had been accorded.¹⁸⁷ Mr. Boulton pointed out that as the reduction applied to all timber lying at Quebec, the people who had got out the timber gained nothing by it, while those who purchased it did. This was very unjust. As to the effect of the reduction on the votes, it was commonly stated at the corners of the streets, before the final vote on the Clergy Reserves was just about to [be] taken, that the Ottawa interest would vote against the ministry; but then it was just as freely stated that they were ready to vote with

the ministry.¹⁸⁸ That was stated openly at the corners of the streets. He knew that the order in Council was passed after the letter of the hon. member for Montreal was written; he knew that the sentiments of the Government were just what that hon. gentleman had stated them to be; and that it was in consequence of the pressure from without that the Government gave way. It is the fact that some persons holding seats in the House, were very largely interested in the trade; and he was told that they made large gains by the reduction--one was said to have gained as much as £1000.¹⁸⁹

MR. EGAN.--It was not me.¹⁹⁰

MR. BOULTON did not say it was; but he thought that the case ought to be referred to a Committee in order to elicit the truth, for the House owed it to itself and to the country, to show, that, if there was any discrepancy in the dates, it was not the evidence of improper and corrupt action.¹⁹¹

MR. STREET thought that the member for Toronto had made out a sufficient case to entitle him to a Committee. It was not merely evident that there was a great discrepancy in the dates; but there was something very remarkable as to the manner of passing the order in Council. The subject had been under the consideration of the Government for four months; the member for Montreal (Mr. Young) had considered it together with the other members of the Government, and when a decision was arrived at, he ought, of course, to have been consulted; but it appears that he was not consulted, and that the reduction was decided on without his knowledge.¹⁹²

MR. YOUNG repeated he was not present at the final vote, which took place in the Council on the subject of this order.¹⁹³ Whatever may have been the real date on which the note was written, he was certain of one point:¹⁹⁴ one or two days before¹⁹⁵ action was taken on this subject in the Council¹⁹⁶, Messrs. Gilmour had come to his office, in the morning,¹⁹⁷ making enquiries on this subject; and he (Mr. Y.)¹⁹⁸ had promised them to let them know if anything was done that day¹⁹⁹ [and] that he would send him such information as he could obtain²⁰⁰. Afterwards being in the Council, it was determined that nothing should be done till a general measure should have been passed, and²⁰¹ accordingly, he wrote to Mr. Gilmour a private note²⁰² to say so.²⁰³ Immediate action was taken by the parties interested²⁰⁴ on the ground of the information communicated by him, and next day he understood the order was made. He was not present, but he knew what was intended and approved of it.²⁰⁵

SIR A. MACNAB understood that the member for Ottawa had been told by the late Commissioner of Public Works, that it was a matter of no consequence whether he did, or did not pay the duty in; that if the duty were reduced the money would be returned to him.²⁰⁶

MR. EGAN.--Yes.²⁰⁷

MR. YOUNG had no recollection of what was said to the member for Ottawa, but the opinion he had formed was, that if the duty were taken off a part it should be taken off the whole; and that all should be put on the same footing, no matter whether they paid the duty late or early.²⁰⁸

MR. INSP. GEN. HINCKS looked on the question as a very important one from the turn which it was taking. He would therefore ask the member for Montreal whether he and the President of the Council had not pressed this subject on the attention of the Government for months before the order in Council was passed; and whether he (Mr. H.) had not suggested that it would be better to allow it to lie over until a general measure could be introduced?²⁰⁹

MR. YOUNG.--That is quite true in every particular.²¹⁰

MR. COM. CR. LANDS ROLPH could also affirm the correctness of that statement. He had also pressed for the reduction, but it was delayed for the reason assigned by the Inspector General.²¹¹

MR. STREET did not dispute what he heard hon. gentlemen state. He admitted that the Inspector General desired that this general measure should be prepared; and that for that reason the subject had been allowed to lie over from June, from the difficulty of coming to a conclusion; but what²¹² Mr. Street could not understand²¹³ [and what] he did want to know was²¹⁴ how it was that an order in council of so much importance as this ... was at last passed in great haste without any such regulation, and without, as it appeared, consulting the hon. member for Montreal.²¹⁵ The member for Montreal was not called to the Council ... when a decision was arrived at, on a subject of so much importance that it had been laid over since June; and he would like to know why the hon. gentleman who took so much interest in the subject, should know so little of the opinions of the Council, that he should have written to Mr. Gilmour on the 16th, stating that nothing would be done....What had induced the Inspector General so suddenly to abandon an opinion²¹⁶? He also wanted to know how it happened that in a government office, which ought to be conducted with regularity, there should be an error of this kind, as to the date of so important an order as this.²¹⁷ Now, it has been admitted, that the order in Council was not passed till the day after the letter was written. This was something extraordinary, and the discrepancy between the dates was equally so; but he could not believe that the order was made with the view of affecting the vote of the member for Ottawa, or the vote of any other member of the House. He would be very sorry to have so bad an idea of these gentlemen as to believe that they could be induced, by any such means, to give a vote contrary to what they believed to be the right. Indeed he could not see what necessity there was for the Government to take such a course: for when he left Quebec for Toronto, at the beginning of the Clergy Reserves debate,²¹⁸ he believed that the government would have a large majority, too imposing to make it worth while to buy votes.²¹⁹ There were other considerations, however, connected with the question, which rendered it desirable that a committee should be appointed.²²⁰

MR. INSP. GEN. HINCKS wished to say a few words in reply to the member for Welland. If the hon. gentleman would refer to Parliamentary practice he would find that motions of this nature are generally founded on the production of the papers. The papers are first produced, and the motion for a committee is then made. Now, if the Government had anything to conceal with respect to this matter, their course would be to resist the motion for papers; when, in fact, the motion for papers was suggested by the President of the Council. He contended that until the papers come down, the whole debate is irregular. He would ask whether the House had anything before it on which to act?--The member for Toronto got up and said that he had seen a letter written by a former member of the Government, dated the 16th September, and also a copy of order in Council, dated the 14th; but neither of those papers was before the House. It is quite possible that there might be some mistake with reference to these papers--he did not say that there was or was not; but he said that the proper time to determine that point, was when the papers were before the House.²²¹ The question of time was of small moment as compared to the object of the reduction; and he contended that the case with respect to motive had altogether broken down already.²²² The facts had already been pretty fully stated, showing that a constant pressure was made by parties interested in the lumber trade on the Government, for the reduction of the duties. The member for Toronto wished it to be understood that the Government

gave way at a particular moment, in consequence of the debate on the Clergy Reserves being about to come to a close, but most unfortunately for the hon. gentleman's case, it has turned out, during the course of this discussion, that in consequence of a letter having been directed by the late Commissioner of Public Works to a gentleman in this city, a very strong pressure was made on the Government by the whole lumbering interest, not by a single person, or by one or two persons, but by the whole of the gentlemen engaged in that trade. Was there anything extraordinary or unnatural in that movement, or in the result? The position of the Government had been frankly and fully stated; all the members of the Government with the exception of one, were in favour of the reduction; that one resisted the reduction, but was it so very extraordinary that he should give way when pressed not only by his own colleagues, but by the whole trade?²²³ As the hon. member for Welland admitted, the government had no occasion whatever to purchase votes for the occasion of the Clergy Reserves Bill.²²⁴ The idea that the Clergy Reserves debate had any bearing on the subject, was the most absurd thing in the world. Was the majority of the Government so very small that they must resort to such means to carry their measure? The member for Ottawa had always voted with the ministry on that question in former sessions; and was it probable that because he happened to represent a section of country where the lumbering prevails, the ministry would be compelled to resort to this course to secure his vote during the present session? A more unfounded insinuation was never made²²⁵. He admitted there was a most extraordinary discrepancy in dates; but contended that there was nothing tangible at present on that subject before the House, and that under these circumstances it was most unfair to press a vote²²⁶ which as the member for Toronto well knew was tantamount to a vote of want of confidence. For his part, he would defy the member for Toronto to pass that vote: if the attempt were made, he (Mr. H.) would be prepared to meet it.²²⁷

MR. ROBINSON having heard the name of Mr. Gilmour frequently mentioned in course of the debate, thought it but fair towards that gentleman to state that he was in no way mixed up with the proceedings now before the House²²⁸.

MR. BOULTON: Certainly not²²⁹.

MR. ROBINSON [continued:] He (Mr. R.) had some weeks ago heard reports similar to those alluded to by the hon. member from Toronto, and being in the Lower Town saw Mr. Gilmour and mentioned the subject to him.--Mr. Gilmour made no complaint of the government on the transaction, but expressed himself well pleased that the reduction had been made. He had, it appeared, shown the member for Toronto the letter mentioned, bearing date 16th September, as he (Mr. R.) had no doubt that gentleman would readily do to any one who desired to see it.²³⁰

MR. RIDOUT said he thought the hon. member, his colleague, had brought forward a very important matter, which deserved investigation, the more, on account of the influence of the reduction of the duties on the trade of the country. He conceived that in all cases of this kind ample notice of the intended change should be given to the country. In this case it was alleged that some of the parties interested were informed that duties would be returned to them; but others, perhaps, might not have had that advantage of knowing this fact.²³¹

Ultimately MR. BOULTON postponed his motion to wait for the papers connected with the matter.²³² The motion was ... withdrawn and allowed to stand as a notice.²³³

FOOTNOTES: 15 OCTOBER 1852.

1. GLOBE, 23 October 1852, commented on this matter as follows: "On Friday this job was finally consummated, after unavailing resistance by Messrs. Brown, Mackenzie, Mattice and Seymour. The day will yet be when the gross impropriety of the transaction will be seen and felt."
2. The following papers reported this notice of motion in identical accounts: HAMILTON SPECTATOR DAILY, 21 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
3. HAMILTON SPECTATOR DAILY, 21 October 1852.
4. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
5. The exchange on this question and answer was reported by GLOBE, 23 October 1852. The following papers noted the exchange in identical accounts: BRITISH WHIG, 16 October 1852, GLOBE, 16 October 1852, HAMILTON SPECTATOR DAILY, 16 October 1852, MONTREAL GAZETTE, 16 October 1852, PILOT, 16 October 1852, BRITISH COLONIST, 19 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852; MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
6. GLOBE, 23 October 1852.
7. IBID.
8. The exchange on this question and answer was reported by GLOBE, 23 October 1852. The following papers noted the exchange in identical accounts: BRITISH WHIG, 16 October 1852, GLOBE, 16 October 1852, HAMILTON SPECTATOR DAILY, 16 October 1852, MONTREAL GAZETTE, 16 October 1852, PILOT, 16 October 1852, BRITISH COLONIST, 19 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852; MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
9. GLOBE, 23 October 1852.
10. IBID.
11. The following papers reported the exchange on this question and answer in identical accounts: MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852. The matter was also reported by GLOBE, 23 October 1852. The following papers noted the exchange in identical accounts: BRITISH WHIG, 16 October 1852, GLOBE, 16 October 1852, HAMILTON SPECTATOR DAILY, 16 October 1852, MONTREAL GAZETTE, 16 October 1852, PILOT, 16 October 1852, BRITISH COLONIST, 19 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852.
12. GLOBE, 23 October 1852.
13. QUEBEC GAZETTE, 20 October 1852.
14. GLOBE, 23 October 1852.
15. QUEBEC GAZETTE, 20 October 1852.
16. GLOBE, 23 October 1852.
17. QUEBEC GAZETTE, 20 October 1852.
18. GLOBE, 23 October 1852.
19. QUEBEC GAZETTE, 20 October 1852.

20. GLOBE, 23 October 1852.
21. IBID.
22. IBID.
23. The exchange on this question and answer was reported by GLOBE, 26 October 1852. The following papers noted the matter in identical accounts: MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
24. GLOBE, 26 October 1852.
25. IBID.
26. The following papers noted the exchange on this question and answer in identical accounts: MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
27. QUEBEC GAZETTE, 20 October 1852.
28. IBID.
29. The exchange on this question and answer was reported by GLOBE, 26 October 1852. The following papers noted the matter in identical accounts: MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
30. GLOBE, 26 October 1852.
31. IBID.
32. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, GLOBE, 23 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852. The following papers reported the debate in partially identical accounts: BRITISH WHIG, 16 October 1852, GLOBE, 16 October 1852, HAMILTON SPECTATOR DAILY, 16 October 1852, MONTREAL GAZETTE, 16 October 1852, PILOT, 16 October 1852, BRITISH COLONIST, 19 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852. The debate was also reported by GLOBE, 23 October 1852 (in two separate accounts). The debate was noted by LA MINERVE, 16 October 1852. GLOBE, 23 October 1852, commented on the debate as follows: "Since the debate ... new evidence has come to light as to the transaction, which places Mr. Hincks in so strange a position, that it had better not be referred to here for the present. It is said that a committee of investigation will be demanded from the House."
33. QUEBEC GAZETTE, 20 October 1852.
34. GLOBE, 23 October 1852.
35. IBID.
36. QUEBEC GAZETTE, 20 October 1852.
37. GLOBE, 23 October 1852.
38. QUEBEC GAZETTE, 20 October 1852.
39. GLOBE, 23 October 1852.
40. QUEBEC GAZETTE, 20 October 1852.
41. GLOBE, 23 October 1852.
42. QUEBEC GAZETTE, 20 October 1852.
43. GLOBE, 23 October 1852.

44. QUEBEC GAZETTE, 20 October 1852.
45. GLOBE, 23 October 1852.
46. QUEBEC GAZETTE, 20 October 1852.
47. IBID.
48. GLOBE, 23 October 1852.
49. QUEBEC GAZETTE, 20 October 1852.
50. GLOBE, 23 October 1852.
51. IBID.
52. IBID.
53. IBID.
54. QUEBEC GAZETTE, 20 October 1852.
55. GLOBE, 23 October 1852.
56. IBID.
57. IBID.
58. IBID.
59. QUEBEC GAZETTE, 20 October 1852.
60. GLOBE, 23 October 1852.
61. QUEBEC GAZETTE, 20 October 1852.
62. GLOBE, 23 October 1852. In a separate account, GLOBE, 23 October 1852, commented that "Mr. John A. Macdonald ... took a nice lawyer's view of Mr. Hincks's position as Inspector General and his position as Francis Hincks...."
63. GLOBE, 23 October 1852.
64. IBID.
65. IBID.
66. QUEBEC GAZETTE, 20 October 1852.
67. GLOBE, 23 October 1852.
68. QUEBEC GAZETTE, 20 October 1852.
69. GLOBE, 23 October 1852.
70. QUEBEC GAZETTE, 20 October 1852.
71. GLOBE, 23 October 1852.
72. HAMILTON SPECTATOR DAILY, 16 October 1852.
73. GLOBE, 23 October 1852.
74. HAMILTON SPECTATOR DAILY, 16 October 1852.
75. GLOBE, 23 October 1852.
76. IBID.
77. IBID.
78. IBID.
79. QUEBEC GAZETTE, 20 October 1852.
80. GLOBE, 23 October 1852.
81. QUEBEC GAZETTE, 20 October 1852.
82. GLOBE, 23 October 1852.
83. QUEBEC GAZETTE, 20 October 1852.
84. GLOBE, 23 October 1852.
85. QUEBEC GAZETTE, 20 October 1852.
86. GLOBE, 23 October 1852.
87. IBID.
88. QUEBEC GAZETTE, 20 October 1852.
89. GLOBE, 23 October 1852.
90. IBID.
91. IBID.
92. QUEBEC GAZETTE, 20 October 1852.
93. GLOBE, 23 October 1852.
94. IBID.
95. IBID.
96. QUEBEC GAZETTE, 20 October 1852.

97. IBID.
98. GLOBE, 23 October 1852.
99. QUEBEC GAZETTE, 20 October 1852.
100. GLOBE, 23 October 1852.
101. QUEBEC GAZETTE, 20 October 1852.
102. GLOBE, 23 October 1852.
103. QUEBEC GAZETTE, 20 October 1852.
104. GLOBE, 23 October 1852.
105. IBID.
106. IBID.
107. QUEBEC GAZETTE, 20 October 1852.
108. GLOBE, 23 October 1852.
109. QUEBEC GAZETTE, 20 October 1852.
110. GLOBE, 23 October 1852. In a separate account, GLOBE, 23 October 1852, noted that Mr. Brown spoke "warmly".
111. GLOBE, 23 October 1852.
112. IBID. In a separate account, GLOBE, 23 October 1852, noted that Mr. Hincks was "stung to the quick".
113. QUEBEC GAZETTE, 20 October 1852.
114. GLOBE, 23 October 1852.
115. QUEBEC GAZETTE, 20 October 1852.
116. GLOBE, 23 October 1852.
117. QUEBEC GAZETTE, 20 October 1852.
118. GLOBE, 23 October 1852.
119. IBID.
120. IBID.
121. IBID.
122. QUEBEC GAZETTE, 20 October 1852.
123. GLOBE, 23 October 1852.
124. QUEBEC GAZETTE, 20 October 1852.
125. GLOBE, 23 October 1852.
126. IBID.
127. IBID.
128. IBID.
129. QUEBEC GAZETTE, 20 October 1852.
130. GLOBE, 23 October 1852.
131. QUEBEC GAZETTE, 20 October 1852.
132. GLOBE, 23 October 1852.
133. QUEBEC GAZETTE, 20 October 1852.
134. GLOBE, 23 October 1852.
135. IBID.
136. IBID.
137. QUEBEC GAZETTE, 20 October 1852.
138. IBID.
139. GLOBE, 23 October 1852.
140. The debate on this withdrawn motion was reported by GLOBE, 26 October 1852. The following papers noted the debate on this matter in identical accounts: MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852.
141. QUEBEC GAZETTE, 20 October 1852.
142. GLOBE, 26 October 1852.
143. IBID.
144. IBID.

145. IBID.
146. IBID.
147. IBID.
148. IBID.
149. IBID.
150. IBID.
151. IBID.
152. IBID.
153. IBID.
154. QUEBEC GAZETTE, 20 October 1852.
155. The following papers reported the debate on this postponed motion in identical accounts: BRITISH WHIG, 18 October 1852, HAMILTON SPECTATOR DAILY, 18 October 1852, MONTREAL GAZETTE, 18 October 1852, PILOT, 18 October 1852, BRITISH COLONIST, 19 October 1852, GLOBE, 19 October 1852, EXAMINER, 20 October 1852, HAMILTON SPECTATOR WEEKLY, 21 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852 (which misdated its account as 19 October 1852), BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852; MORNING CHRONICLE, 18 October 1852, MONTREAL GAZETTE, 19, 20 October 1852, PILOT, 20 October 1852, QUEBEC GAZETTE, 20 October 1852, BRITISH COLONIST, 22 October 1852, HAMILTON SPECTATOR DAILY, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852. The debate was also reported by GLOBE, 26 October 1852. MORNING CHRONICLE, 16 October 1852, contained the following commentary on the matter: "There was ... a warm, interesting, and rather alarming debate, on ... [this motion]....Indeed it was asserted, but clearly disproved, that the ministry had corrupted several members of the House and influenced their votes on the Clergy Reserves Resolutions, by the Pine Timber transaction." A commentary also appeared in MORNING CHRONICLE, 23 October 1852.
156. QUEBEC GAZETTE, 20 October 1852.
157. BRITISH WHIG, 18 October 1852.
158. QUEBEC GAZETTE, 20 October 1852.
159. BRITISH WHIG, 18 October 1852.
160. HAMILTON SPECTATOR DAILY, 18 October 1852.
161. BRITISH WHIG, 18 October 1852.
162. QUEBEC GAZETTE, 20 October 1852.
163. BRITISH WHIG, 18 October 1852.
164. QUEBEC GAZETTE, 20 October 1852.
165. MORNING CHRONICLE, 23 October 1852, reported as follows: "We have been requested by the Messrs. Gilmour to state that the note referred to was not marked private and that its contents were not of a nature to make it a private communication."
166. QUEBEC GAZETTE, 20 October 1852.
167. BRITISH WHIG, 18 October 1852.
168. QUEBEC GAZETTE, 20 October 1852.
169. BRITISH WHIG, 18 October 1852.
170. QUEBEC GAZETTE, 20 October 1852.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. IBID.
176. GLOBE, 26 October 1852.
177. QUEBEC GAZETTE, 20 October 1852.
178. GLOBE, 26 October 1852.
179. QUEBEC GAZETTE, 20 October 1852.
180. GLOBE, 26 October 1852.

181. QUEBEC GAZETTE, 20 October 1852.
182. GLOBE, 26 October 1852.
183. QUEBEC GAZETTE, 20 October 1852.
184. GLOBE, 26 October 1852.
185. IBID.
186. IBID.
187. IBID.
188. QUEBEC GAZETTE, 20 October 1852.
189. GLOBE, 26 October 1852.
190. IBID.
191. IBID.
192. IBID.
193. QUEBEC GAZETTE, 20 October 1852.
194. GLOBE, 26 October 1852.
195. QUEBEC GAZETTE, 20 October 1852.
196. GLOBE, 26 October 1852.
197. QUEBEC GAZETTE, 20 October 1852.
198. GLOBE, 26 October 1852.
199. QUEBEC GAZETTE, 20 October 1852.
200. GLOBE, 26 October 1852.
201. QUEBEC GAZETTE, 20 October 1852.
202. GLOBE, 26 October 1852.
203. QUEBEC GAZETTE, 20 October 1852.
204. GLOBE, 26 October 1852.
205. QUEBEC GAZETTE, 20 October 1852.
206. GLOBE, 26 October 1852.
207. IBID.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. QUEBEC GAZETTE, 20 October 1852.
214. GLOBE, 26 October 1852.
215. QUEBEC GAZETTE, 20 October 1852.
216. GLOBE, 26 October 1852.
217. QUEBEC GAZETTE, 20 October 1852.
218. GLOBE, 26 October 1852.
219. QUEBEC GAZETTE, 20 October 1852.
220. GLOBE, 26 October 1852.
221. IBID.
222. QUEBEC GAZETTE, 20 October 1852.
223. GLOBE, 26 October 1852.
224. QUEBEC GAZETTE, 20 October 1852.
225. GLOBE, 26 October 1852.
226. QUEBEC GAZETTE, 20 October 1852.
227. GLOBE, 26 October 1852.
228. QUEBEC GAZETTE, 20 October 1852.
229. IBID.
230. IBID.
231. IBID.
232. BRITISH WHIG, 18 October 1852.
233. QUEBEC GAZETTE, 20 October 1852.

MONDAY, 18 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Sir Allan N. MacNab,--The Petition of the Board of Trade of Hamilton; the Petition of Thomas Costen, of the City of Hamilton, late Head Keeper of the Provincial Penitentiary; and the Petition of the Mayor, Aldermen and Commonalty, of the City of Hamilton.

By Mr. Lemieux,--The Petition of John Calder and others, of Dorchester, District of Quebec; and the Petition of the Municipal Council of the County of Dorchester, Division Number two.

By the Honorable Mr. Cameron,--The Petition of Gilbert Cohen and others, of the Township of Brighton; and the Petition of the Reverend John Ross and others, of the Townships of Tuckersmith and Stanley.

By Mr. Solicitor General Chauveau,--The Petition of François Poulin and others, of Petit Village in the Parish of Beauport; and the Petition of F.X. Toussaint, President, and others, Members of the Library Association of School Teachers of the District of Quebec.

By Mr. Smith of Durham,--The Petition of John Gilmour and David Gilmour of the City of Quebec, Esquires, Merchants; the Petition of Samuel Caldwell and others, of the Township of Hope; and the Petition of J.S. Smith, Esquire, Mayor, and others, of the Town of Port Hope, and others.

By Mr. Street,--The Petition of Robert Hobson.

By Mr. Taché,--The Petition of David Ferguson and others, of the Township of Metis.

By Mr. Gamble,--The Petition of William Henry Beresford, formerly of Toronto in Canada, at present residing in the City of New York, Esquire; and the Petition of Andrew Riddell and others, of the Township of Vaughan.

By Mr. Christie of Wentworth,--The Petition of William Anderson and others, of the Township of Saltfleet.

By Mr. Brown,--The Petition of Absalom Shade and others, of the Town of Galt and its vicinity; the Petition of the Reverend Henry Wilkes, D.D., and others, Congregationalists of the City of Montreal; the Petition of William Hope and others, of the Town of Niagara; the Petition of the Reverend G.M. Armstrong and others, of the Village of Christieville, County of Rouville; the Petition of William Wilson and others, of the Village of Oakville; the Petition of J.J. Williams, Esquire, and others, of the Town of Port Hope; the Petition of the Reverend Donald McLeod and others, Members of the Presbyterian Congregation of the Town of Cobourg; the Petition of William Anderson and others, of Beach Ridge; the Petition of Eliza Fleming and other female Inhabitants of the Village of Christieville, County of Rouville; the Petition of the Reverend C. LaRocque and others, of the Town of Dorchester, otherwise called St. John's; the Petition of Silas H. White and others, of Sabrevois, County of Rouville; the Petition of the Reverend James Fergusson and others, Members of the Presbyterian Congregation of the Townships of Egremont, Normanby and Arthur; and the Petition of the Reverend Thomas Wightman and others, the Minister and Elders of the Congregations of York Mills and Scarborough in connection with the Presbyterian Church of Canada.

By Mr. Ridout,--The Petition of Robert Irvine and others, of the City of Toronto.

By Mr. Boulton,--The Petition of the Mayor, Aldermen and Commonalty of the City of Toronto.

By Mr. Mattice,--The Petition of the Municipal Council of the United Counties of Stormont, Dundas, and Glengary.

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By Mr. Willson,--The Petition of William McVeigh and others, Roman Catholic

Inhabitants of St. Thomas and surrounding Townships.

By the Honorable Mr. Merritt,--The Petition of George Rykert, Esquire, Chairman of the St. Catherines Board of Trade.

By Mr. Laurin,--The Petition of Charles Pageot, junior, and others, of the Parish of La Jeune Lorette.

By the Honorable Mr. Hincks,--The Petition of Messieurs Allan Gilmour and Company, and others, Merchants, and others, of Quebec.

By Mr. Cauchon,--The Petition of James Cauchon, Esquire, and others, of the City of Quebec; and the Petition of the Council of the Municipality of the Village of Fraserville, County of Rimouski.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Right Reverend the Roman Catholic Bishops of Montreal and St. Hyacinthe, and other Inhabitants of the District of Montreal; praying for certain amendments to the Act 14 & 15 Vic. cap. 100, for the more effectual repression of Intemperance in Lower Canada.

Of the Municipal Council of the second Municipality of the County of Ottawa; praying for a division of the said County, and that the said Municipality may be erected into a separate County.

Of J. Keith, Esquire, and others, of St. Clément and other Parishes in the County of Beauharnois; praying for the establishment of a Registry Office at the Village of Beauharnois, in the said County.

Of James Reid, Esquire, and others, of Godmanchester and other places in the County of Beauharnois; praying that in any division which may be made of the said County for the Registration of Deeds, a Registry Office may be established in the Village of Huntingdon.

Of Henry E. Warner, of the Parish of St. George de Henryville, County of Rouville; praying aid in consideration of his services during the late Rebellion, and of injuries sustained by him subsequent thereto, while in Her Majesty's service, whereby he has been disabled.

Of the Reverend Francis Evans and others, of Simcoe, County of Norfolk; and of the Reverend George Bell and others, Members of the Presbyterian Church at Simcoe in connection with the Church of Scotland; praying the adoption of measures to abolish all labor on the Lord's Day in the Postal Department of the public service, and on Provincial Canals.

Of the Municipal Council of the County of Yamaska; praying for aid to enable the Comis[s]ioners of Public Works to construct a Bridge across the River Yamaska, in the Parish of Yamaska.

Of the Municipal Council of the County of Yamaska; praying for aid to enable the Commissioners of Public Works to construct a Bridge across the River St. Francis, between the Village of Wurtlebourg and the Village of the Abenakis Indians.

Of the Honorable William Walker and others, of the City of Quebec, and adjacent parts; praying for an Act of Incorporation to enable them to construct a Railway from Pointe Levy opposite the said City, to the frontier line of New Brunswick, to form part of the Grand Trunk Line of Railway.

Of the Municipal Council of the United Counties of Lanark and Renfrew; praying for certain amendments to the Jury Law of Upper Canada.

Of James Wescott and others, of Rawdon, Seymour, and other Townships; praying for the removal of the Dam at Chisholm's Rapids, on the River Trent.

Of Jean B. Coté and others, of the Parish of St. Hyacinthe; praying that no alteration may be made in the existing limits of the Town of St. Hyacinthe.

Of the Corporation of the College of St. Hyacinthe; praying for certain amendments to the Act incorporating the said College.

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Of John Dougall and others, the Office-Bearers of the Montreal Temperance Society; and of the Reverend James Rogers, Moderator, and George Boulter, Clerk, on behalf of the Kirk Session of the Presbyterian Congregation of Demorestville,

County of Prince Edward; praying for the passing of an Act to prohibit the importation, manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by Command of His Excellency the Governor General,--Census Returns for the year 1852, viz:--Population by Origin; the Religious Census; and the Agricultural Census.

For the said Returns, see Appendix (C.)

The Honorable Mr. Merritt reported from the Select Committee appointed on Friday last, to draw up an humble Address to Her Majesty, That they had drawn up an Address accordingly; and the same was read, as followeth:--

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to approach Your Majesty for the purpose of representing, that the Imperial Act 9 & 10 Vic. cap. 22, for the repeal of the Corn Laws, deprived the British North American Provinces of the preference previously given to their Agricultural products in the Home Market; and that while it placed Foreign Nations on a par with the Colonies in the Corn Trade, it contained no provision enabling Your Majesty, in Your Royal discretion, to insist on the principle of Reciprocity being carried out by such Foreign Nations, whereby this Country would be placed on an equality with the United States.

That by the Imperial Navigation Act 12 & 13 Vic. cap. 29, authority is given Your Majesty to protect British Shipping by imposing the same duties on the Vessels and cargoes of any Foreign Nation, which are exacted from British Vessels by such Foreign Nation.

We are humbly of opinion, that the principle of Reciprocity adopted by the Navigation Act, ought to be extended to the Agricultural products of Great Britain and her Colonies, and that the correctness of this opinion was admitted by Your Majesty's Imperial Government when Mr. Pakenham, Your Majesty's Minister at Washington, was instructed, immediately after the passing of the Act, to negotiate with the American Government for an equality in Trade, and thus to supply the omission in the Statute 9 & 10 Vic. cap. 22.

We beg leave further to represent, that the Canadian Legislature endeavored to aid Mr. Pakenham in his negotiations, by passing a Reciprocity Bill, but that all his exertions have proved unsuccessful; and we are apprehensive that, unless Your Majesty is enabled to act authoritatively in the matter, Reciprocity will never be granted by the United States, and Canada will continue to suffer by the depreciation of the value of her products as heretofore.

That the prediction contained in our Address to Your Majesty, in 1846, that this change in the commercial policy of the Empire would lead to the reduction of prices on Canada products below those of the United States, has been fully realized. Whenever Markets are higher in America than in England, the price of Canadian productions are lower than those of similar productions of the United States; and when Markets are higher in England, the prices of Canadian produce still range lower than those of American produce, by the amount of the charges imposed by the bonding system in passing through the United States; and so long as the present laws are in force, under no circumstances can prices be higher.

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That we have on no occasion, since the Imperial Act of 1846, addressed the Home Government for a return to protection, or for any exclusive favor in the Markets of Britain, neither do we now ask for any such advantage, or for any

measure which will increase the price of bread to the British consumer for the benefit of the Canadian producer. Under the principle of Reciprocity, no duties will be imposed on the importation of breadstuffs of Great Britain or Canada into any other corn-growing country, consequently the productions of all Foreign Nations coming into England duty free, prices cannot be increased; and in order to remove all apprehension from the mind of the consumer on this subject, it is only necessary to state, that the breadstuffs from the Western States might be admitted through Canada into England, duty free, in the same manner as before the repeal of the Corn Laws.

We therefore most humbly pray that Your Majesty will be pleased to recommend to the Imperial Parliament to enact, that Your Majesty may, in Your Royal discretion, by Order in Council, impose like duties on the natural productions of Foreign Countries when imported direct from sea-ports within those Countries, as they impose on the natural productions of Great Britain or of British North America, and to repeal so much of the first Clause of the 12 & 13 Vic. as revives the fifth Clause of 8 & 9 Vic. conferring advantages on Vessels of the United States which that Country withholds from those of Canada; the said duties and restrictions to continue so long and no longer than similar restrictions are continued by such Foreign Countries.¹

MR. MERRITT moved that an Address to Her Majesty, praying the imposition of the same duties on American grain entering England as are now charged on Canadian grain entering the United States, do now pass.²

MR. BROWN said he trusted the Government would not allow this address to pass until their commercial policy was fully before the country, and the opinion of the House had been expressed upon it. The purport of the address was a demand that the British Parliament should tax the bread of their millions of people for the benefit of Canada,--that they should impose differential duties against America's produce, without one solitary advantage accruing to themselves from it, --that they should adopt a retaliatory policy to drive the United States into reciprocity! It was clear that no member of that House could vote for such an address, unless he was prepared to follow out in Canada the same policy he urged on Great Britain,--they could not, as honest men, ask another to do that which they themselves in more favourable circumstances were unwilling to do. Was the House, then, prepared to follow up this address? Were they prepared to impose differential duties on merchandise from the United States, and differential tolls on American craft passing through our canals? Were the representatives of Upper Canada ready to adopt a policy which, however advantageous to Lower Canada, must lower the price of farm produce and raise the price of manufactured goods to the consumer of the Upper Province,--all upon the dim hope of coercing the Americans into our views? Surely the House was not yet prepared to do this without discussion; and yet it must follow if the advocates of the address have any pretensions to consistency. He trusted that the question would be postponed until after Wednesday, when the trade resolutions would come up, and the policy of Government be fully discussed and pronounced upon by the House.³

MR. MERRITT denied that the address asked the British Parliament to impose differential duties. There is nothing restrictive in what is proposed; and it is only adopting a new and sound principle. Sir R. Peel failed to introduce this principle in his free trade policy; but he directed Mr. Pakenham to negotiate [*sic*] for what had been lost through neglect; and negotiations had gone on with the American Government from that time to this. If the hon. member thought it was no advantage to enjoy the market of the United States, he had imbibed most extraordinary ideas. Men of business, and people engaged in trade, understood the disadvantages under which Canada labours, and are most anxious to obtain

reciprocity. He admitted the proposed measure is one of a retaliatory nature; and should the British Government take the subject in hand, they would intimate to the United States that Canadian subjects must be placed on the same footing as in the British Isles. He did not ask that a bill should be passed by Parliament, but that power should be given to the Privy Council to adopt the principle or not, as they might think proper; and he should be surprised if more than two or three members were found voting against the address.⁴

MR. BROWN said the hon. member for Lincoln contended that this was not a question of differential duties--it was only asking that the duty in England on American produce should be the same as on Canadian produce entering the States. And what else was this, pray, but a differential duty--and in its most objectionable form? Great Britain has adopted--and adopted deliberately and finally--the principle of buying in the cheapest market without regard to the policy of other countries; and by so doing she has brought trade and commerce to a degree of prosperity never before enjoyed. The hon. Inspector General admitted this on a previous evening; he showed clearly that the effect of Mr. Merritt's petition would be to raise the price of grain in the English markets, and he stated not only that this address was utterly useless and could have no effect, but he added that no British statesman dare propose such a measure. And yet we are asked to stultify ourselves by adopting it--and the very gentleman who thus spoke of it, the Finance Minister of the country, intends to support it! The whole future policy of the Government must be considered to be settled by this address, they could not shrink from adopting the policy they recommended to Great Britain. The people of Upper Canada, he was well convinced, would never consent to such a policy; the petition from the Hamilton Board of Trade just presented by the hon. and gallant knight, he believed, spoke the sentiments, as it clearly propounded the true commercial interests, of an overwhelming majority of the inhabitants of that section of the Province. If the Government attempted to carry out their avowed intentions, they would bring down on their heads a storm of indignation which they evidently did not calculate upon. It must be kept in view, besides, what would be the effect of sending addresses which we who send them, have no expectation [that they] will meet with any attention. The effect on other addresses in which we are, or profess to be, serious--as, for instance, on the Clergy Reserves, the Navigation Laws, and other important topics--it was obvious, must be highly injurious. The tendency of such applications was also to the injury of our people. For his (Mr. Brown's) part, he was not in favour of going to England for assistance except in cases of absolute necessity. The less interference in our affairs by the Colonial Office, the better--and such hopeless demands as this only gave a pretext for interference we might not like. Surely the country had suffered enough from Colonial Office dependence. Canada had reached that stage when it could go on and prosper without leaning on the mother country in this manner, and he thought it quite time that the people of Canada should feel that their own destinies were in their own hands. He hoped the address would be withdrawn, but if not, he would vote against it.⁵

MR. ROBINSON felt that they were entitled to call upon the British Government to do for the people of this Province what the address required; and went on to make some remarks which were totally inaudible in the gallery.⁶

MR. INSP. GEN. HINCKS said his attachment to the principles of free trade was as strong as that of the member for Kent, but he was satisfied that much might be attained by diplomacy; and was confirmed in this opinion by the statement of those who had resided for a length of time at foreign courts. He concurred with the hon. member for Simcoe that Great Britain might have effected all that the member for Lincoln asked, when the corn laws were repealed, almost by a stroke of the pen.

He felt satisfied that all duties, even for revenue, are contrary to the abstract principles of free trade; yet to effect a great object he would consent to depart from those principles. It was true, he said, that Great Britain would not be in a position to concede what is asked; yet there would be no harm in showing the Home Government the strong feeling entertained as to the admission of American produce into England, and although the address may not effect what we want, yet it will show that a strong feeling existed in this Province to have the object carried out. The hon. member for Kent has said, he was astonished that he, the Inspector General, had not developed the policy the Government intended to pursue. If any judgment was to be formed from what appears in the newspapers, it is well known already throughout the country.⁷

MR. BROWN [said he] meant that he expected some measure would be brought down by Government.⁸

MR. INSP. GEN. HINCKS said measures would be brought down; and it is well understood what is the proposed policy of the Government. The member for Kent said the principle adopted in England is not one of reciprocity, but of free trade. He should like to know what was the policy of the gentleman himself; who had been advocating a system of trade with the West Indies, upon principles totally inconsistent with those of free trade. We now receive from those colonies produce on more favourable terms than from foreign States. But the member for Kent was not satisfied unless he has his own way. There was this difference between that gentleman and himself, that when he (Mr. H.) departed from the principles of free trade, it was with the conviction that some great object would be obtained. He concluded by saying that he should support the measure of the member for Lincoln, because it could do no harm, and would show the strong feeling that prevails in this country, in favour of obtaining reciprocity; and if the proposed course did not succeed some other might be resorted to.⁹

MR. MACKENZIE did not see why they should go on paying twenty per cent. to the Americans; and did not think that a course which would harass them could produce any injurious result. England, he said, ought to support her colonies as part of one vast empire. If the Government of the United States would not take of[f] the twenty per cent, which is so much complained of, he was not sure but he would vote for harassing the trade between Lakes Erie and Ontario; and he would teach the Americans that if they could do without us, we could do without them. The member for Kent had stated, that the object of the address was to tax the people of England. How are we going to do this? If the Americans do not choose to sell their produce to them, they could buy it as cheap in Europe. He had not made up his mind as to the policy the Government intended to pursue. He wished first to hear all that could be said on both sides; but he thought it high time they did something for themselves.¹⁰

MR. STEVENSON said, whenever a system calculated to benefit the country is proposed, then something is said about free trade; it is a sort of image which all are expected to fall down and worship. Now, he would ask, is this Province to wage a war of free trade against all the world, with her thousand miles of frontier, by which goods may be introduced, and when the United States will not reciprocate. He then entered into a definition of free trade, and proceeded to show that the country which depends on another for the sale of its produce, cannot coerce other nations which will not reciprocate. He should cheerfully vote for the address, not because he was sanguine the object would be attained, but it might lead to the diversion of the trade to England, by the way of the St. Lawrence; or if reciprocity is granted, it would place the Province in the position gentlemen wanted.¹¹

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The Honorable Mr. Merritt moved, seconded by the Honorable Mr. Robinson, and the Question being put, That this House doth concur with the Committee in the said Address; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Egan, Fournier, Gamble, Gavin, Hincks, Langton, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Malloch, Mattice, Merritt, Mongenais, Morin, Paige, Papineau, Patrick, Poulin, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Smith of DURHAM, Stevenson, Street, Stuart, Taché, Valois, Varin, Viger, and Willson.-- (54.)

NAYS.

Messieurs Brown, Christie of WENTWORTH, Terrill, and Wright of East Riding of YORK.--(4.)¹²

So it was resolved in the Affirmative.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council, informing their Honors that this House hath adopted an Address to Her Majesty on the subject of Reciprocity with Foreign Nations, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. Merritt do carry the said Message to the Legislative Council.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and

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Telegraph Lines, presented to the House the Fourth Report of the said Committee; which was read.

For the said Report, see Appendix (X.X.)

SIR A. MACNAB, Chairman of the Committee on Railways, made a report from the Committee, in favour of the bill introduced by Mr. Cauchon, to incorporate a company to construct a Main Trunk Line, and moved to refer it to a committee of the whole House to-morrow.¹³

Strong objections ... [were] urged with reference to the shortness of time.¹⁴

MR. INSP. GEN. HINCKS stated, the only object he had in view was to press forward the measure, and every friend of the Province, he considered, would be equally anxious. The principle of the bill had been contested before the Select Committee, as is the course pursued in England, and where the opponents of the measure might have been heard by counsel had they thought proper. Assuming that the principle had been affirmed, it was of importance, he said, that the contract should be entered into here, and not in England, as different points that might arise for discussion could be much more exactly arranged on the spot. Any gentleman who chose to make enquiry, would discover that it would be highly inexpedient to postpone the subject. The evidence that had been adduced before the committee, he said, had all been printed, and would be in the hands of members, he understood, in the morning.¹⁵

MR. GAMBLE said he wanted to read the evidence. It would be impossible to go on with the consideration of the subject the next moment after this was put in the hands of members. It was very well for gentlemen who were on the Committee to give an opinion; but for himself he knew nothing at all of the question at issue,

and must have information before he could make up his mind.¹⁶

MR. STREET said the Committee might have formed an opinion in favour of the bill, yet the House might overturn it, and establish a different view of the case. The subject had excited much interest and it would be impossible to pass a vote on the measure, until members had had an opportunity of becoming acquainted with all the facts. He hoped there would be no objection to letting the subject lie over till Wednesday.¹⁷

MR. INSP. GEN. HINCKS said, that the member for Welland, with his acute mind, would be as well able to make up his mind in a few hours as weeks.¹⁸

The motion was ultimately carried for Wednesday, to stand the first on the order of the day.¹⁹

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Ordered, That five hundred Copies of the said Report be printed for the use of the Members of this House.

Ordered, That the said Report, and the Bill to incorporate the Grand Trunk Railway Company of Canada as reported from the said Committee, be committed to a Committee of the whole House, for Wednesday next, and be then the first Order of the day.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act for avoiding doubts as to the true meaning of a certain enactment in the Act regulating Elections of Members of the Legislative Assembly," without any Amendment. And then he withdrew.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 20th September, 1852, praying His Excellency to cause to be laid before the House, 1st. A Return of the number of Actions instituted, and the number adjudicated on before the Commissioners' Courts in Lower Canada, for the year past, if the Government has been able to procure the same, specifying at the same time in what County, Parish, or Township, such Actions were respectively instituted or adjudicated on, together with the number of Commissioners at present acting as such, in such Parish or Township: 2nd. Copies of the Tariff or Tariffs of the Circuit and Superior Courts, and Court of Appeals respectively, as directed to be made by the Act 12 Vic. caps. 38 and 40, before first January, 1851, and by what Judges such Tariff or Tariffs were signed, and a statement as to whether or not Tariffs have been separately made for certain Circuit or District Courts: 3rd. Copies of all Tariffs made up to this date for any of the said Courts, since the 1st. January, 1851, if any such have been made, either amending the one existing previously or remodelling it entirely, and by what Judges they were signed either for Circuit or District Courts generally or individually: 4th. Copies of any Tariff or Tariffs made by virtue of the Act 14 & 15 Vic. cap. 95, and by what Judge or Judges such Tariffs were signed in the Judicial Districts respectively of Canada East.

For the said Return, see Appendix (Y.Y.)

Mr. Seymour, from the Standing Committee on Contingencies, presented to the House the Third Report of the said Committee; which was read, as followeth:--

Upon the representation of the Clerk of Your Honorable House, that the former sum advanced on account of Contingencies is fully expended, Your Committee recommend that a further sum of Five thousand pounds be placed in the hands of

the Clerk to meet the necessary current disbursements.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Five thousand pounds, currency, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

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Ordered, That the Petition of the Right Reverend the Roman Catholic Bishops of Montreal and St. Hyacinthe, and other Inhabitants of the District of Montreal, be printed for the use of the Members of this House.

Ordered, That Mr. Smith of Frontenac have leave of absence for two weeks, from Thursday next.

Ordered, That Mr. Stuart have leave to bring in a Bill to facilitate the examination of Witnesses in Civil Causes in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Boulton, seconded by Mr. Gamble.²⁰

MR. BOULTON moved an address to his Excellency, for a detailed statement relative to various Debentures, issued by the Province since the Union.²¹

MR. INSP. GEN. HINCKS said there was no desire to withhold information with reference to the public debt, but he submitted whether such a request as was at present before the House could be advantageously complied with. It was only to day that the return of fees of the prothonotaries was moved for, which would cost the Province £500²² [OR] £600²³. Now he wished to show what the member for Toronto was moving for; and produced three immense large books²⁴, laying [them] on the table²⁵, a transcript of which, he said, must appear in the Index. He could not conceive any object that was to be accomplished by calling for this description of information. He was authorized by the Receiver General to state to the member for Haldimand, that he would be most happy if he would go to his office, where the books should be placed at his disposal. He trusted that the member for Toronto would not call for returns, as the books would remain in the clerks' office and be open to the inspection of members. A continual call for information is often productive of vast expense, and in nine cases out of ten is of no use whatever. He believed that nearly all the information moved for had been given from time to time. Some portions which had not been laid before the House there was no objection to giving, such as the dates and amounts.²⁶

MR. BOULTON said he had no desire to incur expense, and had not foreseen the result to which his motion would lead; he should not persist in moving for the address as at first proposed, particularly as the books would remain for inspection in one of the adjoining rooms, and should modify his motion to meet the views of the Inspector General, with reference to bills of exchange; but there is an opinion prevalent that debentures are sold on time, and an understanding that large sums remain in hands.²⁷

MR. INSP. GEN. HINCKS assured the member for Toronto that nothing of the kind had ever happened.²⁸

MR. BOULTON said he had seen a different statement in the newspapers; and

descanted upon the importance of the press in every country. The London Times had ferreted out a fraud of an enormous extent, and its proprietors had received a handsome sum for their exertions. He did not see why the press of this country might not be equally useful.²⁹

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Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a Statement shewing to what Bankers in England the proceeds of Debentures were paid, and at what period, and in what sums the amounts so paid in England were drawn by the Provincial Government, and the dates and amounts of such Drafts or Bills of Exchange, and the parties to whom the same were payable.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. BROWN³⁰ rose to move the resolutions of which he had given notice in regard to the misappropriation of a large quantity of the public lands to the support of the Clergy. He said that as the matter was already so fully before the House, he should not enter upon a long argument in support of his motion--but content himself with proving that a large misappropriation had taken place, and that the Provincial Parliament had full power to deal with it at once, without any reference to the Imperial Legislature. Hon. gentlemen were all aware that by the Clergy Reserve Act of 1791, whenever the Crown sold or granted any land from the public domain, another piece of land equal to one seventh of the quantity so sold or granted was to be set aside as Clergy Reserves. Instead of following this rule, however, the Crown Land authorities ascertained the number of acres in any Township and set aside one seventh of the entire quantity. By this process, more than half a million of acres of the finest lands in the Province had been taken from the public, without the slightest authority of law, Imperial or Provincial. Lord Durham in his admirable report, had explained the fraud with great clearness, and with the leave of the House, he would read the passage:

"The system of Clergy Reserves was established by the Act of 1791, commonly called the Constitutional Act, which directed that in respect of all grants made by the Crown, a quantity equal to one seventh of the land so granted should be reserved for the Clergy. A quantity equal to one seventh of all grants would be one eighth of each township or of the public land. Instead of this proportion the practice has been, ever since the Act passed, and in the clearest violation of its provisions, to set apart for the Clergy in Upper Canada a seventh of all the land, which is a quantity equal to a sixth of the land granted. There have been thus appropriated 300,000 acres, which legally, it is manifest, belong to the public. And of the amount for which Clergy Reserves have been sold in that Province, namely £317,000 (of which about £100,000 have been already received and invested in the English funds), the sum of about £45,000 should belong to the public. In Lower Canada the same violation of the law has taken place, with this difference, that upon every sale of Crown and Clergy Reserves a fresh reserve for the clergy has been made, equal to a fifth of such reserves. The result has been the appropriation for the clergy of 673,567 acres, instead of 446,000, being an excess of 227,567 acres, or half as much again as they ought to have received. The Lower Canada fund, already produced by sales, amounts to £50,000, of which, therefore, a third, or about £16,000 belong to the public. If without any reform of this abuse, the whole of the unsold Clergy Reserves in both provinces should fetch the average price at which such lands have hitherto sold, the public would be wronged to the amount of about £280,000, and the reform of this abuse will produce a certain and almost immediate gain to the public of £60,000³¹ [OR] £61,000³²." Mr. Brown then read the evidence of J. Davidson, Esq., of Lower

Canada and John Radenhurst, Esq., of Upper Canada, "given before the Imperial Commissioners," as to the manner in which the misappropriation had been effected in the Crown Land office.³³ He ... [also] read from statements of ... [Mr.] Rawson³⁴, ... [and] from the report of Mr. Hanson, in further elucidation of the facts of the case....From all this it was indisputable that 527,000 acres had been taken from the public domain and was now held as Clergy Reserves, without any colour of law.³⁵ The land and cash from sales thus at stake amounted to nearly two millions of dollars³⁶. It was equally clear that it had been effected by the mere action of the government officials--that the title to these lands was not in the least affected but remained in the hands of the people like any other waste lands, that the Provincial Parliament had full power to dispose of it forthwith in any manner it thought best. There was no doubt on this point. Now, the object of his (Mr. Brown's) resolutions was to rescue this large amount of property at once from the two churches which held it wrongfully and to apply it to the reduction of the School Tax. It might be years before the whole Clergy Reserve question was finally settled, but in the meantime this would be a satisfactory instalment of the redress sought by the Reformers of Upper Canada in regard to this great grievance.³⁷ It was ... a clear and imperative duty to remove this large amount of property from the general question and give the benefit of it at once to Education.³⁸ The hon. gentlemen on the Treasury Benches had now the opportunity of proving to the country the sincerity of their professed desire for the secularization of the Clergy Reserves. For many years they have avowed to the country their earnest desire to rescue the Clergy lands from the grasp of the churchmen. They are now to be put to the test--they cannot escape it. There is no shrinking behind Imperial Statutes open to them--no quibble can be raised between addresses and bills upon this vote--this half-million of acres is in their power, uncontrolled--they have a sweeping majority of the Legislature at their backs--and if they flinch from the test, the Reformers of Upper Canada will perfectly understand the utter hollowness of all their professions. When the Clergy Reserve question was before the House on the government resolutions, the learned Attorney General said there was no doubt as to the fact of the misappropriation alleged by him (Mr. Brown) and he admitted further that there was no power by the Act of 1791, to hold these lands as Clergy Reserves; but he threw out a doubt whether the Imperial Act of 1840³⁹ did not legalize the misappropriation. He (Mr. Brown) had asked the Attorney General if he would state his opinion as a lawyer on that view, and he declined doing so, as he had not looked sufficiently into it. Now he (Mr. Brown) had looked very carefully into the Act referred to, and had been directed by the learned gentleman to the passages from which his doubts arose and he found the whole argument rested on this that the Act spoke of the lands "known as Clergy Reserves." Would any man contend that this meant any other lands than those properly known as Clergy Reserves? Was not the Act of 1840 a compromise, and was it likely that, in the face of Lord Durham's report, more land would have been given up to the two churches than they were legally entitled to; had a further error occurred in the crown land office and the land of private individuals been known ... would this Act of 1840 be held to divest those individuals of their property because they had been "known" as Clergy Reserves? The thing was too weak to need refutation, all the Act of 1840 referred to, was the land legally set aside as Reserves under the Act of 1790 [sic]. In conclusion he desired to state that he would have introduced a bill at once for the appropriation of the lands in question, but a large portion of them had been sold and the cash realized; it was necessary to ascertain the facts precisely before framing the bill and this the committee could accomplish in a single day. He would not have taken any action on the question, had the government shown any desire to move upon it, and even now he

would be too happy to hand it over to them if they would promise to act upon [it] energetically. The hon. gentleman concluded by moving the following resolutions:--

1. That the Constitutional Act, 31st George III, cap. 31, directed that in respect to all grants of land made in the Province of Canada by the Crown, a quantity equal to one-seventh of the land so granted should be reserved for the support of a Protestant clergy, being one-eight[h] of each township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority of the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the land, or a quantity equal to one-seventh of the land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent,--a quantity equal to one-fifth of the land alienated having been reserved for the Clergy, instead of one-seventh; and that the public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, of 527,559 acres of land.

2. That it is expedient forthwith to restore the lands so illegally set apart, to the use of all Her Majesty's subjects in this Province: That a select Committee of five members be therefore appointed to prepare and Report to this House, a measure providing for the recovery from the Clergy Reserve Fund, of the money received in payment of the lands so wrongfully set apart, and for the appropriation of such money and of the land so wrongfully set apart, and yet unsold, in the maintenance of Common Schools. The said Committee to consist of Hon. Mr. Papineau, Mr. Smith of Durham, Mr. Mackenzie, Mr. Fergusson and the Mover.⁴⁰

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Mr. Brown moved, seconded by Mr. Mackenzie, That the Constitutional Act 31 Geo. 3. cap. 31, directed that in respect of all grants of Land made in the Province of Canada by the Crown, a quantity equal to one-seventh of the Land so granted should be reserved for the support of a Protestant Clergy, being one-eighth of each Township; that instead of this proportion, and in direct violation of the Imperial Statute forming the only authority of the Reserve, there was actually set aside in Upper Canada as Clergy Reserves, by fraud or error, one-seventh of all the Land, or a quantity equal to one-sixth of the Land granted; that the same violation of the Act occurred in Lower Canada, but to a greater extent,--a quantity equal to one-fifth of the Land alienated having been reserved for the Clergy, instead of one-seventh; and that the Public domain was thereby wrongfully divested of 300,000 acres in Upper Canada, and 227,559 acres in Lower Canada, or, in all, of 527,559 acres of Land: That it is expedient forthwith to restore the Lands so illegally set apart, to the use of all Her Majesty's subjects in this Province: That a Select Committee of five Members be therefore appointed to prepare and report to this House, a measure providing for the recovery from the Clergy Reserve Fund, of the money received in payment of the Lands so wrongfully set apart, and for the appropriation of such money, and of the Land so wrongfully set apart and yet unsold, to the maintenance of Common Schools;--the said Committee to consist of the Honorable Mr. Papineau, Mr. Smith of Durham, Mr. Mackenzie, Mr. Fergusson, and the Mover;

MR. INSP. GEN. HINCKS said he was quite prepared to be told that he was not sincere in his desire to have the Clergy Reserve question settled. The only persons who were sincere are the mover and seconder (Mr. Mackenzie), of the Resolutions: and who considered as a test of the sincerity of the members of the Government, that they would support the resolutions submitted by the member for Kent. He was not prepared to dispute the fact that an error had been committed because this had been known for a number of years; but he was prepared to say, that there are difficulties in taking it up separately, and for no particular

object. He was notified that if the Government had done so, the member for Kent would have adduced as a proof of want of sincerity, the taking up of what, compared with the general question of the Clergy Reserve, must be considered a mere trumpery affair. Now as he was really desirous of keeping the Clergy Reserves settled, he considered it unnecessary to try to deal with this branch separately from the entire question, particularly as there are difficulties in the way. The subject, he said, had engaged the attention of the Government; and there are obviously great difficulties⁴¹ in the way of doing what these resolutions proposed; which were perceptible enough to well informed persons though perhaps not to Mr. Brown⁴², as to how this money was to be separated from the proceeds of other lands; and which would puzzle men of the utmost legal acuteness. Beside[s] nothing would be gained by taking up the subject. He therefore moved that the Resolution be postponed⁴³ sine die.⁴⁴

MR. BROWN said he was not surprised at the reception his resolutions had met with from the model reform Government--but he was astonished at the defence which the member for Oxford had attempted to set up. He denied not the facts--he admitted them all--but he says there are difficulties in the way, great difficulties. What are they? Why does he not define them? Are they secret difficulties? Are they so deep that the members of this House could not understand them, if they were explained to us? The hon. gentleman must not think to delude the public in this way--if difficulties there were, we would not have been left in ignorance of them! But what else does the hon. gentleman tell us? That there is no possible object to be attained by meddling with these lands now, and that it is after all a "trumpery affair!" Half a million of acres of land,⁴⁵ [OR] 2,000,000 acres of lands, which was one fourth of the whole case⁴⁶ worth two millions of dollars⁴⁷ [OR] £500,000⁴⁸, is in the eyes of the hon. gentleman a mere frumpery [sic] affair!⁴⁹ This property might be given to the Common School fund in a fortnight, without reference to the Home Government at all.⁵⁰ Properly invested, it would be sufficient to meet one-third of the School tax and relieve the community at once to that extent--and yet it is a "trumpery affair." The hon. gentleman may rest assured that the freeholders of Oxford will be of a very different opinion, when the case is submitted to them--and it seems there is no possible object for moving in this matter now! The Clergy Reserve question has been thrown into the quick sands of the Imperial Parliament, with a Tory government in power, and who can tell when it will come out again! Is it of no importance to rescue this large part of the plunder from the grasp of the Churchmen now and put it beyond risk? Is a reduction of one-third of the School-tax nothing! Is there no possibility that a Government may be in power when the control over the Reserves is transferred, and that this half-million of acres may be divided like the rest among all the sects that will take the bribe? The conduct of the Government on this matter leaves no room for escape--it shows them utterly insincere in all their pretensions on the anti-State Church question. The people of Upper Canada would understand it--and though it might be that the hon. Inspector General had got beyond the force of public opinion and was indifferent to it--there were men among his colleagues and supporters who were not so situated and who would on this question vote at their peril. For thirty years the Reformers of Upper Canada have fought for the removal of this grievance, and yet when their leaders have it in their power to sweep off a large portion of the evil, they refuse to do it and call it a trumpery affair! Let them take the responsibility of the course they have chosen--a day of reckoning will yet come.⁵¹

MR. J.A. MACDONALD supported the views of Mr. Hincks⁵². [He] considered it premature to agitate the subject before the Clergy Reserve question was finally disposed of. He referred to the terms of the Act granting the reservation⁵³, and contended ... it was very doubted, if there was this over appropriation spoken of

by Mr. Brown.⁵⁴ However, the whole subject, he said, was surrounded with difficulties, and involved a question which could not be settled but at considerable expense, and which would produce heartburnings everywhere, which he thought should be avoided.⁵⁵ At any rate it would raise questions ... which need not come up, if the whole lands were given up to secular purposes as the Government proposed.⁵⁶

MR. MACKENZIE thought the question a very simple one, and that this property ought to be refunded. If, however, the government could show that there was anything wrong in what was proposed, he would vote against it.⁵⁷

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The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and the Question being put, That the further consideration of the said Motion be postponed; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Egan, Fortier,

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Fournier, Gamble, Gouin, Hincks, Langton, LaTerrière, Laurin, LeBoutillier, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Mattice, Merritt, Mongenais, Morin, Murney, Paige, Papineau, Patrick, Poulin, Ridout, Robinson, Rolph, Rose, Sanborn, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Terrill, Tessier, Valois, Varin, Viger, Willson, and Wright of East Riding of YORK.--(54.)

NAYS.

Messieurs Brown, and Mackenzie.--(2.)

So it was resolved in the Affirmative.

The House, according to Order, resumed the further consideration of the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, against Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the said County.

And the House being informed that Mr. Lefrançois attended at the door; he was called in.

Jacques Rhéaume, Esquire, also attended as Counsel on the part of Mr. Lefrançois.

The Order of Thursday last, for the appearance of Ovide Rousseau, Esquire, of Chateau Richer, at the Bar of this House, to be examined as to the said allegations, being read;

And the House being informed that Ovide Rousseau attended at the door; he was called in; and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

65. Is your name Ovide Rousseau; are you a Notary, and do you live at Chateau Richer, in the County of Montmorency?--My name is Ovide Rousseau; I am a Notary, and I reside at Chateau Richer.

66. Do you know Mr. Louis Célestin Lefrançois, Registrar for the first Division of the County of Montmorency, and are you aware that he was Returning Officer at the late Election for the said County?--Yes.

67. Did you live near the said Louis Célestin Lefrançois during and before the late Election for the County of Montmorency?--I did live near him before and during the said Election.

68. Are you aware who were the Candidates at the late Election for the County of Montmorency?--The Candidates at the late Election for the County of Montmorency were Mr. Cauchon and Mr. Guay.

69. Are you aware whose house was the rendez-vous of Mr. Guay's partizans at the late Election for the County of Montmorency?--By what I was able to see, his partizans went to the houses of Mr. Lefrançois and Mr. Bernier, both before and during the Election. I was absent from the Parish during the two polling days, and I cannot say whether the rendez-vous was at the same places, on those two days.

70. Did they go to Mr. Lefrançois' house during the time that he acted as Returning Officer?--Yes. I saw them go there several times.

71. Are you of opinion that they went there to have documents registered, or about Election matters?--I think they went there on the business of the Election.

72. If they had gone there to have documents registered, would they have gone there so frequently?--I cannot answer that question.

73. Have you had any conversation with Louis Célestin Lefrançois on the subject of the late Election for the County of Montmorency, and did such conversation take place while he was acting as Returning Officer for the said County?--Yes, I

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was in his company several times, and we talked about the Election. He allowed me to perceive that he had some leaning in favor of one of the Candidates.

74. Will you repeat the words of the conversation, or as nearly as you can?--I do not recollect them at all.

75. Were you not Deputy Registrar to Mr. Louis Célestin Lefrançois?--No; I was only his student.

76. You stated a moment ago, that you did not know Mr. Guay's partizans would so constantly have frequented Mr. Lefrançois's house if they had gone there to have their deeds registered; do you think, from your knowledge of the business of the office, having been Mr. Lefrançois' student, that they would have gone there so often on business connected with registration?--I am inclined to think that the persons whom I saw go to Mr. Lefrançois' house, did not go there to register deeds. At the time I thought, and I think still, that they went there to consult about Election matters. Some of the parties whom I saw go there, were not in the habit of going there at other times.

77. You have stated that Mr. Guay's partizans frequented Mr. Lefrançois' house previous to and during the Election, will you state whose house was habitually resorted to by Mr. Guay's principal partizans and canvassers?--The houses of Mr. Lefrançois and Mr. Bernier. I also saw some go to the Central School House of the place, and to the house of a man named Philip Warren.

78. Who occupied, as Schoolmaster, the Central School House of the place, that is to say, Chateau Richer, during and before the Election?--Mr. Auguste Béchard, who was the Schoolmaster of the place, and Mr. Lefrançois' Deputy Registrar.

79. Whose partizan at the late Election was Mr. Béchard, the Schoolmaster, and was he active as such?--I was informed that he was an active partizan of Mr. Guay's. I did not meet him during the days of the Election.

80. Are you not of opinion that had it not been for Mr. Louis Célestin Lefrançois, Mr. Guay would not have come forward for the County of Montmorency, or would have abandoned the Election contest before the polling began?--I cannot say.

By Mr. Lemieux:--

81. Have you any interest in the issue of this affair?--No.

82. Is it not true that at the late Election for the County of Montmorency, you represented Joseph Cauchon, Esquire, at the Poll, in the Parish of St. Joachim?--I interested myself about the Poll at St. Joachim, for Mr. Cauchon, but it was one Paul Filion who represented Mr. Cauchon.

83. It is not true that Joseph Cauchon, Esquire, made you a promise that he would do his best and use his influence, as the Representative of the County of

Montmorency, to procure you the Office of Registrar at that time filled by Mr. Lefrançois, in the event of his being dismissed from office?--No, never; and he never gave me an idea of it.

84. Is it not true that at the late Election for the County of Montmorency, you were Deputy Postmaster?--I was Postmaster at that time.

85. Is it not true that you expect to have the Office of Registrar, now filled by Mr. Lefrançois, in the event of his dismissal?--No, I thought it might be offered to me; but at any rate I have always considered that it would be better to keep my profession than to accept the Office of Registrar, seeing that a choice must be made between the two. This is the reason, among many others, why I did not covet that situation.

By Mr. Cauchon:--

86. Were you aware that Mr. Cauchon was an opponent of Government, and did you expect any advantage from his influence with Government?--I was aware at the time of the Election, that Mr. Cauchon was an opponent of Government. I have always considered that Mr. Cauchon, as well as any other Member whom I have the

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honor to know, might be of service to me in any reasonable request which I might have to make to Government.

By Mr. Lemieux:--

87. Is it not true that at the date of the late Election, Mr. Cauchon had not openly declared himself opposed to the present Administration?--I do not recollect whether he made his opinions public.

88. Is it not true that during the late Election for the County of Montmorency, you were under the impression that Mr. Cauchon was not opposed to the present Administration?--No, I was not under that impression.

89. Is it not true that you would have taken no part at the late Election in favor of Mr. Cauchon, if you had known that he was opposed to the present Administration?--I should have been on his side just the same.

And then he was directed to withdraw.

Mr. Cauchon moved, seconded by Mr. McLachlin, That Louis Dorion, of Chateau Richer, be now heard at the Bar of this House, on the said allegations;

Mr. Lemieux moved, seconded by Mr. Solicitor General Chauveau, and the Question being put, That the Counsel of Mr. Lefrançois be heard at the Bar of this House against the said Motion:--It was resolved in the Affirmative.

Jacques Rhéaume, Esquire, Counsel for Mr. Lefrançois, was heard at the Bar accordingly.

And the Question being then put, That Louis Dorion, of Chateau Richer, be now heard at the Bar of this House, on the said allegations;--It was resolved in the Affirmative.

And the House being informed, that Louis Dorion attended at the door; he was called in; and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

90. Is your name Louis Dorion, and do you live at Chateau Richer, in the County of Montmorency?--My name is Louis Dorion, and I reside at Chateau Richer.

91. Were you an Elector for the County of Montmorency during and before the late Election for the said County?--I was.

92. Do you know Mr. Louis Célestin Lefrançois, Registrar for the first Division of the County of Montmorency, and are you aware that he was Returning Officer at the late Election for the said County?--Yes, I know him; and I know that he was Returning Officer at the said Election.

93. Do you know who were the Candidates at the late Election for the County of Montmorency?--Mr. Cauchon and Mr. Guay.

94. Do you know whose house was the rendez-vous of Mr. Germain Guay's friends

before and during the late Election for the County of Montmorency?--It was at Mr. Lefrançois'. None but the partizans of Mr. Guay went there. Those of Mr. Cauchon never went there.

95. Do you know anything more respecting the conduct of Mr. Lefrançois, in his capacity of Returning Officer during and after the Election?--I know that when Mr. Cauchon's party were to be silenced, Mr. Lefrançois took good care to silence them; but that when Mr. Guay's party were to be silenced, he let them have it pretty well their own way.

96. What were the circumstances in which Mr. Louis Célestin Lefrançois so conducted himself?--I do not understand that question.

97. You said that Mr. Louis Célestin Lefrançois silenced the friends of Mr. Cauchon, and not those of Mr. Guay; will you state when he did so?--On the day of nomination, he allowed Mr. Guay's party to make as much noise as they liked. On the following Sunday, I myself wished to quiet the uproar, and the Returning Officer came and told me to hold my tongue, or I should be fined.

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By Mr. Lemieux:--

98. Is it not true that you were one of Mr. Cauchon's zealous partizans at the late Election?--I was zealous for the Election of Mr. Cauchon as a Member of the House of Assembly.

99. Will you name the person or persons who went to your house to request you to come and give your evidence?--I cannot name them, not knowing them. I saw yesterday in a letter that I was requested to come and give my evidence before the House; but I do not know whether Mr. Cauchon wrote it or not.

100. Is it not true that an Elector of the Parish of Chateau Richer went to your house last week, to request you to come before this House to give your evidence, and that the said Elector told you that you would be well paid or rewarded; if not, tell what that person told you on the subject of the evidence which you were to give?--It is not the case; nobody came to my house.

101. Is it not true that you went to Charles Rhéaume's, one of the Witnesses produced and examined on the part of the complainant, since he appeared to give his evidence before this House?--Yes, I went there yesterday.

102. Is it not true that this Mr. Rhéaume told you at his place, on Sunday last, not to be afraid of losing your time in coming to give your testimony, that Mr. Cauchon would pay you well; otherwise, state what this said Charles Rhéaume said to you at that time?--I went to his house (Charles Rhéaume's) to tell him that I had thoughts of not coming to Town, being so busy. I told him that I could not come moreover, on foot; and he said, they won't use you worse than they have done the others, you may take a vehicle and be driven there. He did not tell me to come to Town. It was not before Sunday morning that I saw the letter requesting me to come and give my evidence.

103. When you told Mr. Rhéaume that you would not come to Town, is it not true that he induced you to come, by telling you that you should be well paid?--He told me what I have just repeated, take a vehicle and be driven there, most likely you will not fare worse than the others.

104. How can you state that these persons went to Mr. Lefrançois' as partizans of Mr. Guay's; were you present at Mr. Lefrançois'?--I was not present at Mr. Lefrançois', but I was very well acquainted with the parties who were on Mr. Guay's side, I saw them go in and out of Mr. Lefrançois'.

And then he was directed to withdraw.

On motion of Mr. Cauchon, seconded by Mr. McLachlin, Ordered, That Nicholas Trépanier be now heard at the Bar of this House on the said allegations.

And the House being informed that Nicholas Trépanier attended at the door; he was called in, and, at the Bar, examined, as followeth:--

By Mr. Cauchon:--

105. Is your name Nicholas Trépanier, and do you live at Chateau Richer, in the County of Montmorency?--My name is Nicholas Trépanier, and I live at Chateau Richer.

106. Were you an Elector for the County of Montmorency at the late Election, and before the late Election for the said County?--I was.

107. Do you know who were the Candidates at the late Election for the County of Montmorency?--Mr. Cauchon and Mr. Guay.

108. Do you know Mr. Louis Célestin Lefrançois, Registrar for the first Division of the County of Montmorency; and are you aware that he was Returning Officer at the late Election for the said County?--I do.

109. Did you live near the said Louis Célestin Lefrançois during the late Election for the County of Montmorency?--I lived at that time, and I live now, at a distance of about three or four arpents from his house.

110. Do you know whose house was the rendez-vous of Mr. Guay's partizans

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during and before the late Election for the County of Montmorency?--During the Election for the County of Montmorency, Mr. Guay's electors used to frequent the houses of Messieurs Lefrançois, Bernier, and Warren.

111. What is this Mr. Lefrançois of whom you have been speaking, whose house was frequented by the partizans of Mr. Guay?--He was the Returning Officer.

112. Are you acquainted with any other circumstance relating to the conduct of Mr. Louis Célestin Lefrançois, in his capacity of Returning Officer at the late Election for the County of Montmorency?--The day after the proclamation of the Election at the Church door, Mr. Guay's partizans insulted me; I was then with the Returning Officer, he did not prevent them, and made no effort to maintain order.

113. Is there any other circumstance you are acquainted with respecting the conduct of Mr. Louis Célestin Lefrançois, in his capacity of Returning Officer?--I was told by two persons that Mr. Lefrançois wanted to make them vote for Mr. Guay; one of them was an Elector, and the other had not been sufficiently long a proprietor to be an Elector.

114. What are the names of these persons?--Mr. Joseph Prémont and Mr. Joseph Mercier.

And then he was directed to withdraw,

On motion of Mr. Lemieux, seconded by Mr. Solicitor General Chauveau,

Ordered, That the further consideration of the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, against Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the said County, be postponed to the 6th November next, for the examination of Witnesses, and the hearing of Counsel at the Bar of this House, on the part of Mr. Lefrançois.

A Bill to detach, for Judicial purposes, the Settlements of Ste. Anne des Monts and Cape Chat from the District of Gaspé, and to annex the same to the District of Kamouraska, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to detach, for Judicial purposes, the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annex the same to the District of Kamouraska."

Ordered, That Mr. Christie of Gaspé do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the Town of Dundas to grant its security to the Great Western Railroad Company on behalf of the Desjardins Canal Company for certain improvements on the said Canal, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie of Wentworth do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Malloch moved, seconded by Mr. Burnham, and the Question being proposed, That the Order of the day for the House in Committee on the Bill to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases, be now read;

Mr. Laurin moved in amendment to the Question, seconded by Mr. Fournier, That all the words after "That" to the end of the Question be left out, in order to add the words "the remaining Orders of the day be postponed until To-morrow;"

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the remaining Orders of the day be postponed until To-morrow.

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Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Solicitor General Chauveau,

The House adjourned.

APPENDIX: 18 OCTOBER 1852.

[NOTICE OF MOTION RE: A STATEMENT OF RETURNS IN THE LUMBER TRADE.]⁵⁸

MR. BOULTON [gave notice that] on Wednesday next [he would move] for a return of all sums that have been or will be refunded, and that have been or will be remitted to parties engaged in the Lumber Trade, in consequence of the Order in Council made on or about the 14th Sept. last.⁵⁹

[NOTICE OF MOTION RE: SHERIFF'S SALES IN LOWER CANADA.]⁶⁰

MR. TERRILL [gave notice that] on Wednesday next [he would move for a] Bill to amend the law relating to the Sales, by the Sheriff, of lands held in free and common soccage, in Lower Canada.⁶¹

[NOTICE OF MOTION RE: FIXING A STATED TIME FOR THE ASSEMBLING OF PARLIAMENT.]

MR. BROWN [gave notice that he would move for a] Committee of the Whole, to consider Resolutions on the subject of fixing a stated time in each year for the assembling of Parliament.⁶²

[NOTICE OF MOTION RE: A MILL DAM ACROSS THE SYDENHAM RIVER.]⁶³

MR. D. CHRISTIE (Wentworth) [gave notice that] on Thursday next [he would introduce a] Bill to authorize the construction of a Mill dam across the River Sydenham, and across Black Creek, its tributary.⁶⁴

[NOTICE OF ADDRESS RE: MEMBERS OF THE EXECUTIVE COUNCIL OR PUBLIC OFFICERS RECEIVING COMMISSIONS, &C.]⁶⁵

MR. STUART [gave notice that] on Wednesday next [he would move for an] Address to His Excellency, the Governor General, expressing the sense of this House that some regulation ought to be made for the purpose of preventing any member of the Executive Council, or other Public Officer, from taking or receiving any commission, gratuity, or reward, from any person or Corporation, or from deriving any profit or advantage, directly, or indirectly, on account of any thing done or to be done by him in or in any way relating to the raising of any loan, whether required for Public Works in this Province, or for other Provincial purposes, or for the payment or securing the payment of any money to be borrowed for the purpose of paying loans already made, or debts now owing by any Municipal Corporation in this Province, or for the purpose of making a new loan of money for any such Municipal Corporation.⁶⁶

[NOTICE OF QUESTION RE: PAYMENT TO COMMISSIONER OF CROWN LANDS.]⁶⁷

MR. BOULTON [gave notice that] on Wednesday next [he would make an] Enquiry of Ministry, whether the present Commissioner of Crown Lands, who accepted office after the removal of the Seat of Government to Quebec, has received the sum of £100 from the Government as an allowance to other Heads of Departments who had removed to Quebec from Toronto, and under what authority such payment was made?⁶⁸

[NOTICE OF QUESTION RE: IMPROPRIETIES OCCURRING BETWEEN MALE AND FEMALE MEMBERS OF THE PROVINCIAL PENITENTIARY.]⁶⁹

MR. BOULTON [gave notice that] on Wednesday next [he would make an] Enquiry of Ministry, whether they have been informed that gross improprieties have taken place in the Provincial Penitentiary, between the Officers or other males connected with that Institution or confined therein, and the female convicts therein, and

whether any steps have been taken by the Government to prevent a recurrence of such disgraceful acts in that and other Public Institutions?⁷⁰

[NOTICE OF QUESTION RE: MR. DRUMMOND'S SEIGNIORIAL TENURE BILL.]⁷¹

MR. SICOTTE [gave notice that] on Wednesday next [he would make an] Enquiry of Ministry whether it is the intention of the Government to move for the concurrence of the Legislature and its assent to the Bill relating to the Seigniorial Tenure, which has been introduced by the Honorable the Attorney General Drummond during the present Session?⁷²

[NOTICE OF QUESTION RE: COBOURG'S INSTALMENT AND INTEREST PAYMENTS.]

MR. J. SMITH (Durham) [gave notice that] on Wednesday next [he would make an] Enquiry of Ministry, whether the Town Council of Cobourg have paid the Instalments and Interest due upon the purchase of the Rice Lake and Ontario Road, and of the Harbor at that town.⁷³

[QUESTION AND ANSWER RE: BONDING OF CROWN LANDS OFFICERS.]⁷⁴

MR. BOULTON enquired of the Ministry, whether security was given by the Commissioner of Crown Lands and all agents for the sale of Crown Lands, before entering upon the duties of their office as required by section 20 of 4 and 5 Vic., cap. 100; also, why copies of the half yearly detailed account of the Crown Land Department, containing particulars of the receipts and expenditure of the Department, with sales made up to the period of accounting, have not been laid before both Houses of the Legislature within ten days after the commencement of the present session, as required by section 23 of the said Act of 4 and 5 Vic., cap. 100. He said he should merely state, in moving for the enquiry, that the only accounts which he saw, are furnished by the Inspector General's Department, which is not contemplated by the Act, but they should come from the Crown Lands Department.⁷⁵

MR. COM. CR. LANDS ROLPH said he did not give security before entering upon the duties of his office. He was at Toronto when advised of his appointment, and had immediately to proceed to his election; and did not return till the first of January. He gave the security required by law⁷⁶ as soon as he became aware of the provisions of the Act 4 and 5 Vic., cap. 100. He was not aware of those provisions when he first entered office.⁷⁷ With reference to subordinate officers in the department, they gave the required security as soon as it is possible; it often happens that they perform some duty requisite on the transfer of an office, and while the bonds are preparing; but generally the security is given at once. If the member for Toronto would mention any exception, he would afford an explanation. He was not aware on assuming office that the law existed, but as soon as [he was] made acquainted with the fact security was given. The half yearly accounts, he said, were not yet printed; and those which are required to be laid before the House within the first ten days of the session, were not yet ready, owing to the confusion in which he found them, caused by there being no accountant when he arrived. It was some time before his successor was appointed. Every thing, he repeated, was in sad disorder, and it was only within a few weeks that order had been restored.⁷⁸

MR. BOULTON expressed himself satisfied with the explanation, but considered the law as not having been complied with; and that portion of the enquiry with reference to the accounts lies over.⁷⁹

[QUESTION AND ANSWER RE: LOCAL COURT IN INDIAN TERRITORY.]⁸⁰

MR. ROBINSON⁸¹ enquired of the Ministry whether it is the intention of the Government to bring in a bill during the present Session, to provide for the

administration of justice by a Local Court, in the territory recently acquired from the Indians on the north shore of Lakes Huron and Superior.⁸²

MR. INSP. GEN. HINCKS replied that it is the intention of the Government to bring in a bill to provide for the administration of justice in that part of the Province alluded to.⁸³

[INTERRUPTED MOTION RE: CLERGY RESERVES.]⁸⁴

MR. BROWN then proceeded to move a resolution declaring that no more clergymen should be placed on the lists of recipients of the Clergy Reserve Fund. He was proceeding to explain the object of his motion, when he was interrupted by the Speaker calling the orders of the day; it having been arranged that they should be called at 6 o'clock.⁸⁵

FOOTNOTES: 18 OCTOBER 1852.

1. The debate on this matter was reported by GLOBE, 26 October 1852. The following papers noted the debate in identical accounts: BRITISH WHIG, 19 October 1852, MORNING CHRONICLE, 19 October 1852 (which misdated the debate as 18 November 1852), QUEBEC GAZETTE, 20 October 1852, MONTREAL GAZETTE, 21 October 1852 (which misdated the debate as 18 November 1852), PILOT, 21 October 1852 (which misdated the debate as 18 November 1852), HAMILTON SPECTATOR DAILY, 25 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR WEEKLY, 26 October 1852, NORTH AMERICAN SEMI-WEEKLY, 26 October 1852, NORTH AMERICAN WEEKLY, 28 October 1852, and LA MINERVE, 19 October 1852. A commentary appeared in EXAMINER, 27 October 1852.
2. GLOBE, 26 October 1852.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. GLOBE, 26 October 1852, erroneously reported the division as "Yeas, 50; nays, 5."
13. GLOBE, 26 October 1852.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. The following papers reported the exchange on this matter in partially identical accounts: MORNING CHRONICLE, 19 October 1852 (which misdated the exchange as 18 November 1852), QUEBEC GAZETTE, 20 October 1852, MONTREAL GAZETTE, 21 October 1852 (which misdated the exchange as 18 November 1852), PILOT, 21 October 1852 (which misdated the exchange as 18 November 1852), HAMILTON SPECTATOR DAILY, 25 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR WEEKLY, 26 October 1852, NORTH AMERICAN SEMI-WEEKLY, 26 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852. The debate was also reported by GLOBE, 26 October 1852.
21. GLOBE, 26 October 1852.
22. IBID.
23. MORNING CHRONICLE, 19 October 1852.
24. GLOBE, 26 October 1852.
25. MORNING CHRONICLE, 19 October 1852.
26. GLOBE, 26 October 1852.
27. IBID.
28. IBID.
29. IBID.
30. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 19 October 1852 (which misdated the debate as 18 November 1852), QUEBEC GAZETTE, 20 October 1852, MONTREAL GAZETTE, 21 October 1852 (which misdated the debate as 18 November 1852), PILOT, 21 October 1852 (which misdated the debate as 18 November 1852), HAMILTON SPECTATOR DAILY, 25 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR WEEKLY, 26

October 1852, NORTH AMERICAN SEMI-WEEKLY, 26 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852. The debate was also reported by GLOBE, 23 October, and 28 October 1852 (which also contained a commentary).

31. GLOBE, 28 October 1852.
32. MORNING CHRONICLE, 19 October 1852.
33. GLOBE, 28 October 1852.
34. MORNING CHRONICLE, 19 October 1852.
35. GLOBE, 28 October 1852.
36. IBID., 23 October 1852.
37. IBID., 28 October 1852.
38. IBID., 23 October 1852.
39. GLOBE, 28 October 1852. MORNING CHRONICLE, 19 October 1852, refers to the "Imperial Act of 1841."
40. GLOBE, 28 October 1852. The ellipsis represents illegible words.
41. GLOBE, 28 October 1852.
42. MORNING CHRONICLE, 19 October 1852.
43. GLOBE, 28 October 1852.
44. IBID., 23 October 1852.
45. IBID., 28 October 1852.
46. MORNING CHRONICLE, 19 October 1852.
47. GLOBE, 28 October 1852.
48. MORNING CHRONICLE, 19 October 1852.
49. GLOBE, 28 October 1852.
50. MORNING CHRONICLE, 19 October 1852.
51. GLOBE, 28 October 1852.
52. MORNING CHRONICLE, 19 October 1852.
53. GLOBE, 28 October 1852.
54. MORNING CHRONICLE, 19 October 1852.
55. GLOBE, 28 October 1852.
56. MORNING CHRONICLE, 19 October 1852.
57. IBID.
58. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 20 October 1852, HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852), and LE PAYS, 22 October 1852.
59. MORNING CHRONICLE, 20 October 1852.
60. This notice of motion was reported by: HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852); and LE PAYS, 22 October 1852 (which erroneously reported that Mr. Terrill would give notice of his motion "demain").
61. HAMILTON GAZETTE, 25 October 1852.
62. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
63. The following papers reported this notice of motion in identical accounts: HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852), and HAMILTON SPECTATOR WEEKLY, 25 November 1852.
64. HAMILTON GAZETTE, 25 October 1852.
65. The following papers reported this notice of address in identical accounts: MORNING CHRONICLE, 20 October 1852, HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852), and LE PAYS, 22 October 1852.
66. HAMILTON GAZETTE, 25 October 1852.
67. The following papers reported this notice of question in partially identical accounts: MORNING CHRONICLE, 20 October 1852, HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852), and LE PAYS, 22 October 1852.
68. MORNING CHRONICLE, 20 October 1852. HAMILTON GAZETTE, 25 October 1852, reported the sum as being £1000.

69. The following papers reported this notice of question in identical accounts: MORNING CHRONICLE, 20 October 1852, HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852), and LE PAYS, 22 October 1852.
70. HAMILTON GAZETTE, 25 October 1852.
71. The following papers reported this notice of question in identical accounts: MORNING CHRONICLE, 20 October 1852, HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852), and LE PAYS, 22 October 1852.
72. MORNING CHRONICLE, 20 October 1852. LE PAYS, 22 October 1852, erroneously reported the speaker as being Mr. Turcotte.
73. HAMILTON GAZETTE, 25 October 1852 (which misdated its account as 19 October 1852).
74. The following papers reported this question and answer in identical accounts: BRITISH COLONIST, 19 October 1852, BRITISH WHIG, 19 October 1852, GLOBE, 19 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 19 October 1852, EXAMINER, 20 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852. The debate was also reported by GLOBE, 26 October 1852. The following papers noted this question and answer in identical accounts: MORNING CHRONICLE, 19 October 1852 (which misdated its account as 18 November 1852), QUEBEC GAZETTE, 20 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852 (which misdated its account as 18 November 1852), HAMILTON SPECTATOR DAILY, 25 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR WEEKLY, 26 October 1852, NORTH AMERICAN SEMI-WEEKLY, 26 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852.
75. GLOBE, 26 October 1852.
76. IBID.
77. BRITISH WHIG, 19 October 1852.
78. GLOBE, 26 October 1852.
79. IBID.
80. The following papers reported this question and answer in identical accounts: BRITISH COLONIST, 19 October 1852, BRITISH WHIG, 19 October 1852, GLOBE, 19 October 1852, MONTREAL GAZETTE, 19 October 1852, PILOT, 19 October 1852, EXAMINER, 20 October 1852, NORTH AMERICAN WEEKLY, 21 October 1852, BATHURST COURIER, 22 October 1852, and OTTAWA CITIZEN, 23 October 1852. The following papers reported this question and answer in partially identical accounts: MORNING CHRONICLE, 19 October 1852 (which misdated its account as 18 November 1852), QUEBEC GAZETTE, 20 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852 (which misdated its account as 18 November 1852), HAMILTON SPECTATOR DAILY, 25 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR WEEKLY, 26 October 1852, and LA MINERVE, 19 October 1852. It was also reported by GLOBE, 26 October 1852.
81. The following papers erroneously attributed the question to Mr. Hincks and the answer to Mr. Robinson: MORNING CHRONICLE, 19 October 1852, MONTREAL GAZETTE, 20 October 1852, and BRITISH COLONIST, 26 October 1852.
82. GLOBE, 26 October 1852.
83. IBID.
84. The following papers reported this interrupted motion in identical accounts: MORNING CHRONICLE, 19 October 1852 (which misdated its account as 18 November 1852), QUEBEC GAZETTE, 20 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852 (which misdated its account as 18 November 1852), HAMILTON SPECTATOR DAILY, 25 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR WEEKLY, 26 October 1852, NORTH AMERICAN SEMI-WEEKLY, 26 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852.
85. QUEBEC GAZETTE, 20 October 1852.

TUESDAY, 19 OCTOBER 1852.

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THE Clerk laid before the House,--Minutes of the Proceedings of the General Committee of Elections, pursuant to the 41st Section of "The Election Petitions Act of 1851."

Ordered, That the said Minutes do lie upon the table.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Smith of Durham,--The Petition of Paul Robins and others, Bible Christians, of Darlington; and the Petition of the Municipality of the Township of Manvers.

By Mr. Cauchon,--The Petition of Joseph Delisle and others, of the Banlieue of Quebec, Electors.

By Mr. Stuart,--The Petition of John Gilmour, Esquire, and others, Members of the Board of Trade of Quebec.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 3d September, 1852, for copies of all the Correspondence which has taken place between the Imperial Government, the Government of New Brunswick, and that of this Province, with reference to the Division Line between this Province and New Brunswick; and also, of all the Reports of the Commissioners and Surveyors employed in the settlement of this matter since the last Report laid before this House by Government on this subject.

For the said Return, see Appendix (Z.Z.)

Ordered, That the Petition of Stanislas Drapeau, of the City of Quebec, Printer, be referred to the Joint Committee of both Houses for the regulation and management of the Parliamentary Library.

Ordered, That the Supplementary Return relative to the Quebec Marine and Emigrant Hospital, which was presented on the twenty-first of September last, be printed for the use of the Members of this House.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 30th ultimo, for a copy of all Instructions founded on the Order in Council of the fourteenth ultimo, relative to the reduction of Dues on Red Pine Timber, and of all subsequent Orders in Council relative thereto, and copies of all Correspondence that has taken place between the Government and parties interested in the Timber Trade since the meeting of Parliament.

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 15th instant, for any Documents in possession of the Govern-

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ment relating to the reduction of Duties on Red Pine Timber, as also the Report of the Commissioner of Crown Lands on that subject.

For the said Returns, see Appendix (A.A.A.)

MR. INSP. GEN. HINCKS¹ moved a committee of inquiry into the discrepancy between the dates of the order in council relative to Pine timber, and the date of Mr. Young's letter. He stated there was no doubt that the order in council was passed on the 14th, and on the 16th, which was the date of Mr. Young's letter, it was communicated to the Crown Lands office. He also read a letter from Messrs. Gilmour, referring to the letter which had appeared in the Toronto Patriot, and saying that they believed themselves to be the House referred to, as not being

partizans, alleging also, that they were not losers by that order in council, nor in a condition to be so. He left out of the committee the name of Mr. Boulton looking upon him in the light of an opponent.²

MR. BOULTON trusted that the committee, besides merely comparing dates, would ascertain what pressure it was that was brought to bear on³ the government in this matter. He maintained that⁴ whatever pressure was thus brought to bear upon Government, ought to come constitutionally through the House. He thanked the Inspector General for leaving his name out.⁵

MR. BROWN thought, the hon. member for Toronto ought not to be left off the Committee, as it would be making a most invidious distinction, and placing him in the position the Inspector General desired, of a public prosecutor.⁶ To do so was to treat him with the grossest [sic] disrespect⁷. He had brought forward a subject of so much importance, that the Government had found it necessary to ... come down and ask for a Select Committee, to inquire into their own conduct. The member for Toronto should be a member of that Committee, not only on his own account, but that the labours of that Committee might be efficiently performed.⁸

MR. R. CHRISTIE (Gaspé) agreed with the member for Kent, that the member for Toronto⁹, Mr. Boulton¹⁰, should be on the Committee. He had brought the subject forward--had originally moved for a Committee; and, in justice to the country, to the House, and to himself, he ought not to be overlooked.¹¹

MR. BOULTON said he certainly¹² did not mean to put himself¹³ before the Committee as a public prosecutor¹⁴. He was quite ready to let the matter remain with the Committee; but in acting as he did, he only acted as a member of the House¹⁵, and if left off the Committee, should consider he had nothing farther to do in this matter, satisfied that the Committee would faithfully perform its duty. He should not shrink from the performance of his duty however, and was willing to assume any responsibility.¹⁶

MR. PROV. SEC. MORIN said there was no intention of viewing the member for Toronto in the light of a public prosecutor; but from what he had stated on a previous evening, he had evidently made up his mind on the subject, and had stated that he was not desirous of being on the Select Committee. He could assure the hon. member that no disrespect was intended. It was the manner in which the subject had been brought forward that it had derived importance. In the multiplicity of business which the Government had to attend to, it was impossible to recollect the particulars of every occurrence, and therefore it became necessary to refer to the records, where the entry was found without erasure, and the document tied up and fyled away in the usual manner.¹⁷

MR. CAUCHON also thought the member for Toronto should be on the Committee, like any other member who thought he had facts in his possession on which to move for one. To leave him off the Committee, would be to place him in the position of public informer: he thought it would be fair to take members from both sides of the House.¹⁸

MR. INSP. GEN. HINCKS had not the slightest objection to the member for Toronto being on the Committee. He ... [had] stated the ground why he (Mr. H.) thought he ought not to be there, but if it were the ... [wish of] the House that he should be a member, he sh[ould] be perfectly satisfied; and had no objections to the member for Simcoe being added to the Committee.¹⁹

MR. STREET said the member for Toronto was the mover of the resolution for a Committee, and would have been Chairman, had it been ordered by the House. He was therefore glad to hear the Inspector General say that he had no objection to his being added, as it was consistent with the rules of the House that he should be one of the Committee.²⁰

MR. GAMBLE was of the same opinion. He must confess that the course which the Government had adopted, was a most extraordinary one. The Inspector General admitted on a former evening, that the passage of the resolution moved by the member for Toronto would be tantamount to a vote of want of confidence; and now he comes forward and forestalls the measure. He was glad the question had come up, and trusted the whole thing connected with the duties would come up, that they might ascertain what induced the Government to reduce the duties on timber; and when the question came up, he hoped the propriety would be considered of allowing the Government to raise and lower the duties according to their sole will and pleasure, by which an undue influence may be brought to bear upon the independence of the Assembly. He trusted members would declare by their votes, whether such a system should be continued.²¹

SIR A. MACNAB said the charge which had been made was one of a most serious nature. He was always a friend of fair play, and thought the Government had acted manfully and honourably in this matter. They had brought down all the papers, and laid them upon the table of the House: and had chosen persons on the opposition side of the House to form the Select Committee.²² He did not see why Mr. Boulton should be on it, though²³, if the member for Toronto was desirous of being one of that Committee, there could be no objection to it: and such appeared to be the desire of the House. It was for gentlemen to decide for themselves, but he did not think it fair, when the Government had acted in the manner they had done, prematurely to pass judgment.²⁴

MR. GAMBLE ... expressed his surprise that Sir Allan should be the first to volunteer the defence of the ministry upon every occasion when they were in any difficulty.²⁵

MR. INSP. GEN. HINCKS said, if he thought the ... [ministry] did not believe the statement which the Government had made, without going to a Committee, he would not hold his seat one hour. But he was desirous that every member on the other side, and every man of honour, should decide for himself. The member for York was wrong in stating that the Government had determined upon anticipating the course which the hon. member for Toronto was expected to pursue. Had the Government come down with the simple statement that had been made, he believed the House would have supported them, and would not have voted for a Committee.²⁶

MR. GAMBLE replied ... they know that the 14th October [sic] was the date of the Order in Council, and the 16th was the date of the letter, which the member for Montreal had declared in his place was written previous to the passing of the order, he therefore differed from the gallant knight from Hamilton, as to the affair. The course which he was pursuing was most extraordinary, when he would stand in the way, and protect the Government. He had all along stepped in to ward off the blow that was intended for the Government. His conduct on Friday night, and on the present occasion, he said, was all of the same character. In his opinion, the Government had not met the charge in the manner they ought to have done: and that they ought not to have taken the measure out of the hands of the member for Toronto.²⁷

SIR A. MACNAB, after claiming the right to reply, said, the member for Toronto and himself had known each other for a long time, and had sat in Parliament four years together; but the member for Toronto must excuse him, when he told him²⁸, Mr. Gamble²⁹, that he did not feel the same regard for his opinions, as a public man, which he did formerly. He was satisfied that the course he pursued, as found in the Journals, should be judged of by the country, and had no doubt it would be approved of. They all might commit error; but when the hon. member intimates that he had changed his political creed, he did him (Sir Allan) great

injustice. A few years ago, the member for Toronto would not have voted for everything elective; it was he who had changed.³⁰ He (Sir A. McNab) had never changed his views--had never expressed any opinion in favour of an Elective Governor or any similar measures³¹. He cared not for the sneers of those under whose skirts he fought his battles. And he would tell the hon. member, that when the report of the Select Committee comes in, he would stand there as one of the judges, to pronounce the verdict of guilty or innocent; and he would not like the hon. gentleman condemn[ed] on ex parte testimony. He repeated, he thought the course of the Government a correct one. They admitted the importance of the charge, brought down all the papers connected with the transaction, and referred them to a Committee, the members of which they had taken from that side of the House, composed of honourable men; and he would tell the member for Toronto, if, with all his industry, he could defy him to point to any vote of his at variance with the uniform course he had hitherto pursued.³² Bodily infirmity³³, he said³⁴, prevented him from taking the same active part in the House as formerly³⁵, and [he] could not take part in the more stirring portion of legislation; but he endeavoured to vote according to the best of his judgment, and it therefore, was not fair to say that he had altered his opinions, and endeavoured to shelter the Government. He should not be changed from his course by anything which the hon. gentleman might say; and was satisfied that the course he (Sir Allan) was pursuing³⁶ would be approved by the majority of thinking people in Upper Canada [and]³⁷ would secure for him ... [their] good opinion³⁸.

MR. BADGLEY deprecated those discussions which he said lead to no good ... on the part of government, was a fair one, who threw themselves on that part of the House who were not their friends. Whether the member for Toronto were on the select Committee or not, so far as Government was concerned, they had acted fairly. He thought the member for Toronto should be on the Committee.³⁹

A few remarks [came] from MR. PAPINEAU, in opposition to the Government, who thought it strange that the Government should have opposed the sending the subject to a committee on one evening, and moving for one on the following⁴⁰.

A few words in explanation ... [came from] MR. INSP. GEN. HINCKS, with reference to the altered position of the Government on the present occasion⁴¹.

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On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin, Resolved, That the said Returns be referred to a Select Committee, composed of the Honorable Mr. Badgley, the Honorable Mr. Macdonald, Mr. Stuart, Mr. Street, Mr. Langton, the Honorable Mr. Robinson, and Mr. Boulton, to report to this House the circumstances connected with the late reduction on Red Pine Timber; with power to send for persons, papers, and records.

Ordered, That the said Returns be printed for the use of the Members of this House.

On motion of Mr. Sicotte, seconded by Mr. Cartier, Ordered, That the Select Committee on the Megantic Election Petitions have leave to adjourn until the twenty-sixth of October instant, in order to allow time to the Parties interested to summon Witnesses, and to furnish to the Chairman of the Committee Lists of the Voters whose Votes are objected to.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Edward Short, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee this day.

On motion of Mr. Lemieux, seconded by Mr. LeBlanc,
Ordered, That Edward Short, Esquire, do attend in his place in this House,
 To-morrow.

Mr. Langton, from the Select Committee appointed to enquire into and report upon the best means of remedying the difficulties which have arisen in several Counties of Canada West, from the informality of the By-Laws of the Municipal Councils imposing County rates, presented to the House the Report of the said Committee; which was read.

For the said Report, see Appendix (B.B.B.)

Ordered, That the said Report, with the accompanying documents, be printed for the use of the Members of this House.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Supplementary Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 24th August, 1852, praying (*inter alia*) for a Statement of the receipts from the Clergy Reserve Lands sold or rented, the principal and interest on sales, the charges of management, and to whom paid, and the disbursements.

For the said Supplementary Return, see Appendix (A.A.)

Ordered, That the Petition of His Grace the Archbishop of Quebec, Patron, and others, the Officers of the Catholic Institute of St. Roch of Quebec, be printed for the use of the Members of this House.

Ordered, That the Return relative to the Parish Church of Lotbinière, which was presented on the 8th instant, be printed for the use of the Members of this House.

Ordered, That the Honorable Mr. Morin have leave to bring in a Bill to give effect to certain proceedings under the Act, intituled, "An Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during

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the Rebellion in the years one thousand eight hundred and thirty seven, and one thousand eight hundred and thirty eight."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

A Message from the Legislative Council, By John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council do give leave to the Honorable Joseph Bourret, a Member of their House, absent from Quebec, to go to the Standing Committee of this House on the Public Accounts, to be examined with respect to certain expenses incurred in the removal of the Seat of Government from Toronto to Quebec, if he thinks fit.

And then he withdrew.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, That the Orders of the day be now read;

And objections being made to the said Motion;

Some discussion followed as to the order of proceedings, a resolution having been passed on a former evening for taking up the orders of the day at six o'clock⁴².

MR. BOULTON contended [that that] was intended to include Tuesdays and Fridays--the government days⁴³.

MR. INSP. GEN. HINCKS insisted [that that] was not the understanding of the members of the government. At length ... [he] moved that the House proceed with the orders of the day.⁴⁴

MR. BOULTON objected to the motion as being out of order⁴⁵.

MR. J.S. MACDONALD the SPEAKER ... overruled the objection⁴⁶.

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Mr. Speaker stated, as his opinion, that it was in order; and cited the 91st Rule of the House as applicable to the case.

MR. BOULTON appealed⁴⁷.

MR. J.S. MACDONALD the SPEAKER's decision was almost unanimously sustained.⁴⁸

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And an Appeal being made from Mr. Speaker's decision; the House divided:-- And the decision of Mr. Speaker was confirmed.

And the Question being put, That the Orders of the day be now read;--It was resolved in the Affirmative.

*And the Order of the day for the House in Committee to take into consideration certain Resolutions on the subject of the Constitution of the Legislative Council of this Province, being read; the House accordingly resolved itself into the said Committee;*⁴⁹

The House then went into a committee of the whole, MR. MALLOCH in the chair⁵⁰.

SIR A. MACNAB expressed his regret that he⁵¹ was absent from the House⁵² when the resolutions were introduced⁵³ [by] the hon. Provincial Secretary⁵⁴, [and] had not been present ... to hear the arguments that had been advanced by the hon. mover in their favour. In addressing the House, he said, it would be his misfortune to differ with some of those on his side of the House; and judging from what he had read in the papers and understood from members, he did not think the hon. gentleman had made out such a case as would authorize a change in the constitution of the Legislative Council. For a long time, he said, that body had answered the purpose for which it was intended. There had been no objection with reference to it in Upper Canada, and of the Lower Province he knew but little. It ill became any member to allude disrespectfully to the individual who made appointments, which had always been considered as conferring the highest mark of distinction. The effect that had been produced by the number of members introduced by the gentlemen opposite and their predecessors, had injured the Legislative Council in the public estimation.⁵⁵ Though he believed the character of the council had been lowered by the appointments of hon. members opposite, he had yet heard of no good objection to the existing constitution of that House⁵⁶. He had not found an individual whose opinions he respected, coming forward for the purpose of destroying the Legislative Council:--he had heard no case made out against it except⁵⁷ that the persons appointed by gentlemen opposite would not attend to their duties. Nor did he think that the qualification now proposed was calculated to raise the character of the Upper House⁵⁸ [and] he should like to know why it was intended to confine the election of members to the classes alluded to. It was not the most able men who accepted the office of mayors and reeves: the best⁵⁹ men in the country⁶⁰ will seldom be troubled with the duties of these situations. Then, why select members for the Legislative Council from them? He was at a loss to conjecture. If the object was to gain popularity, it had had a contrary effect. If it could be imagined that the members of the Legislative Council were themselves desirous of abandoning their seats, he saw no reason why as able a body of men could not at any time be found to succeed them, as much so as they could desire "to see in" the Council hall.⁶¹ He though[t] the ancient mode of appointment very much better than the present one or that now proposed⁶². He had understood, till late years, that appointments to that body was [*sic*] not made by the Executive Council, but emanated⁶³ from the crown, of course under

the advice of the Governor General⁶⁴. The power to make appointments ... in olden times came direct from the sovereign, without reference to parties or persons⁶⁵ and having regard only to the character of the man.⁶⁶ At present it would be found, that almost two-thirds were called to the Legislative Council for a particular purpose; and who were pledged before they went into that body, which could not but disparage it in the estimation of the people of the country. Had any thing been said against the present constitution of the Legislative Council? If the Government, having this power, had exercised a sound discretion, would that body have been in the position it is at present? He wished the constitution would remain as it is, but⁶⁷ at the same time he would like to see the House new modelled. He would like to see⁶⁸ the number of members consist of twenty from each section of the Province, and to see them paid. He would prefer seeing a certain number of retired Chief Justices⁶⁹, to represent the law lords of Great Britain⁷⁰, introduced into the Council, who would be familiar with the law of the land, and who, after having presided a certain number of years in the Courts, would be eligible to seats in the Upper House. He intended, he said, to have proposed amendments, but upon consulting with his friends had determined not to do so; but he considered the scheme as anti-British⁷¹ [et] elle conduira nécessairement à l'établissement du gouvernement républicain.⁷² It was true he might be told in answer to his objections that the elective council had been adopted⁷³ [OR] that a similar principle had been introduced⁷⁴ in Australia and the Cape of Good Hope; but how long had this prevailed⁷⁵; how long had that been the case? Time had not been afforded for seeing how the plan will work.⁷⁶ Who would undertake to say that it would work well? It would not work well.⁷⁷ Should the Council differ with the Government, they could be dissolved; would that elevate that body in the estimation of the people; and what independence could be exercised by a body which must act in accordance with the views of the ten members conducting the Government, or be dissolved. The result of this measure if it were adopted, would be to introduce⁷⁸, [and] in three years ... adopt⁷⁹, the constitution of the United States, and ministers would have to withdraw from the House; it were better therefore that the constitution of the Legislative Council should remain as it is. He was satisfied that members could be selected in such a manner as to command not only the respect of this but also of the neighbouring country: and who might be found everywhere. He desired to see the form of Government continued, under which the inhabitants of this Province had hitherto lived; and was satisfied that the position in which the Legislative Council had been placed, has been the result of bad administrations. He concluded by saying that he should oppose the resolutions at every stage⁸⁰. Il s'exprima avec force non seulement contre le plan du ministère, mais contre tout changement dans la constitution du conseil législatif, au moins contre tout changement tendant à rendre cette branche de la législature plus démocratique⁸¹. He believed the elective legislative council was bad, was un-British ... and as he had already said the first step to Republicanism.⁸² If submitted to the decision of the country, he was convinced that every thinking man would be in favour of the Legislative Council remaining as at present constructed.⁸³

MR. PROV. SEC. MORIN [who] was very indistinctly heard in the gallery⁸⁴, did not consider the plan that had been submitted, as approximating to the Constitution of the United States, but rather to that of England, which has an aristocracy, that is represented in the House of Lords.⁸⁵ [He] contended that it was impossible, in the present condition of Canada⁸⁶, where all are nearly on an equality, and where fortunes frequently change hands⁸⁷, that the Upper House should possess the influence of the hereditary Legislators in the House of Lords.⁸⁸ There exists no element out of which to form a Legislative Council, and the plan was to select its members from among individuals, who had been enjoying public confidence. He

saw nothing in the proposed Constitution resembling that of the United States, nor could he perceive the consequences that Sir Allan MacNab predicted. The hon. member, he said, would like to see some of the present members of the Legislative Council retire. He did not wish that: as he considered them as good as would be elected.⁸⁹ He justified the appointment of the members of the council created by the late ministry, and defended the kind of qualification which he had proposed. He contended that the Upper House should be made elective to remedy the difficulty of too large an increase of members, as they were appointed for life⁹⁰. If things remain as they are, the number would necessarily be increased, as the Government must command a working majority in the Legislative Council, and every ministry coming in would have to increase the number; consequently it was not strange that the last administration put in members for the purpose of carrying their measures.⁹¹ In answer to the objections which had been made to the power of dissolving the House, he said⁹² he deemed the power to dissolve that body as absolutely necessary, to enable the Government⁹³, in case of differences of opinion between the House⁹⁴, to ascertain the sense of the country.⁹⁵

SIR A. MACNAB thought those members of the Council who did not choose to attend ought to retire.⁹⁶

MR. SANBORN said the Ministry deserved the gratitude of the country for introducing the measure, which is in effect extending the elective principle to the Legislative Council. He was, however, far from agreeing to the details embraced in the resolutions; and he thought the restrictions which it was proposed to impose on the choice of members, would be fatal to the measure introduced by the Provincial Secretary. One of the greatest objections to the restrictions would be, that it would⁹⁷ make the election for municipalities turn upon politics instead of upon those matters of local and material improvement which were really in debate there⁹⁸; the elections would become so many small arenas, where the electors will decide on a man with reference to his political character and relation to men in power. Another objection to the construction is, that it is too narrow. It had been remarked, that men of a high order of talent do not desire to accept municipal or corporation offices, and who will not do so until at a late period of life. The choice, he said, should not be confined to men of property, or to those who had held municipal or public office: but men should be taken of reputation and talent, and should be selected for those principles of which they are the exponents.⁹⁹ Reverting to Sir Allan McNab's observations, he condemned them as altogether behind the age¹⁰⁰. Those who wish the Legislative Council to remain as it is, will be left in a minority. He said he had no desire to cast reflections on the members of that body, and would not speak for or against them. Those who comprise it at present, are doubtless, men of integrity, but that is not the question,--it is one of principle. He doubted the successful working of the plan of the Provincial Secretary. He had not the most implicit confidence in responsible government¹⁰¹ as some persons professed to have¹⁰², nor did he see anything in an elective Legislative Council that was anti-British, but would be assimilating the constitution of the Province to the British constitution, which is a monument of wisdom; and its inhabitants ask to introduce one suited to the circumstances of the country, and calculated to promote its advancement and prosperity.¹⁰³ He did not think this was adopting the constitution of the United States; nor that it must be followed by an elective Governor General¹⁰⁴. If anything would shorten the connexion between this colony and the parent state, it would not be that which would give the people control over that which affected their particular interests.¹⁰⁵ He did see difficulties in making a ministry responsible to two houses¹⁰⁶, and this was a reason why the plan would not have the effect which the system of responsible government was intended to produce.

Many gentlemen would, doubtless, vote contrary to the views they entertained rather than be in opposition to their party.¹⁰⁷ He would think it better for the ministry to be out of the House, leaving the members to decide on the merits of all questions¹⁰⁸ affecting the public interest¹⁰⁹, without mixing up therewith the fear of turning out the ministry. It was well known that this could not be done at present--that members frequently were obliged to vote against their consciences¹¹⁰. He concluded by admitting the injustice of not paying the members of the Legislative Council. He thought they might be compensated for their attendance. Although he did not think it possible to carry out the details of the proposed measure¹¹¹, he had no doubt at all that the elective principle, with some modification, would¹¹² ultimately become part of the constitution of the country¹¹³, and would willingly vote for it.¹¹⁴

MR. ROSE said he was not one of those who joined in political agitation, or who had sought to produce a change in the constitution of our common country. This, his feelings would rather induce him to oppose, than support. But he would not set up his judgment in opposition to those of longer experience, and who were better able to form a judgment than he was. In cases of much importance, and where, he had not made up his mind, he would always give way to those who were better informed.¹¹⁵ He, therefore, consented to the elective principle¹¹⁶ but he must say he was opposed to the third Resolution, and agreed with Mr. Sanborn that it was improper to confine a choice to any class of individuals in the country¹¹⁷ [as] he thought there were many others equally well qualified.¹¹⁸ If they were to have an Elective Council, they should allow the people to choose upon whom they pleased.¹¹⁹ He therefore approved of the other resolutions, declaring that the present property qualification for the Legislative Assembly ought to be abolished.¹²⁰

MR. MERRITT concurring in the elective principle for the Legislative Council, objected to some of the details.¹²¹ [He] said the measure was evidently approached with great reluctance by all parties, and appeared to give satisfaction to none. He had no doubt, however, that a majority would be found in favour of the Elective principle: but none were in favour of that which was proposed. He should refer to one or two particulars, with reference to which he should express his sentiments. One objection that had been urged against the plan submitted by the Provincial Secretary was, that it would bring the government to a stand still.¹²² He could not see any reason why the Upper House should be dissolved at the pleasure of the ministry¹²³, nor did he see why the Legislative Council should be independent¹²⁴. He wanted, on the contrary, the House to be independent of all but those who sent them there. To remedy the evil arising from the danger of the machine coming to a dead lock¹²⁵ the members should be chosen for a fixed time, and should all go out together. They would then be responsible to the people. The general impression seemed to be, that the Legislative Councillors should not be selected from a few individuals, but that the people of the country should select from whomever they pleased. That, he said, was a sound principle. But why not take them from select men, which is the principle adopted in the United States¹²⁶, a system ... he approved of¹²⁷. The House of Representatives, it is admitted, is inferior in point of talent, but the Senate is the first body in the world, who are chosen by the people as possessing the highest order of talent. The same one that, he said, might be introduced into this Province by combining three or four municipalities together, from which to select Legislative Councillors¹²⁸ of the Upper House¹²⁹; and it would be found that the people would choose the very best men in the country. He was convinced there was a necessity for a change, and that the present system does not work well; and it was only necessary to look back to the period when a constitution was imposed upon Lower Canada, and subsequently to the period of the union, when another was introduced without consulting the

inhabitants of the Province; and five years had not elapsed, when it produced universal dissatisfaction. Great Britain, he said¹³⁰, had twice failed in making a constitution for us¹³¹, and this time, instead of tinkering¹³² with parts [of]¹³³ the constitution, let them at once address the Queen, asking her to direct the Governor General to select forty men, from various parts of the Province, to meet at Quebec and draw up a constitution which, at all events, would please ourselves. England might alter or amend it, but there never would be satisfaction till the course was pursued. He then adverted to the system of legislation in the Province, as connected with that in the United States¹³⁴. He differed from the Inspector General in this--that he believed we could adopt the republican institutions to a great extent; with large advantage to ourselves. For instance¹³⁵, there, the plan is to submit information; here, the head of a department has to defend the government.¹³⁶ Would it not be better for the Inspector General to submit a full report of his department in print for the use of all the people, rather than to come into the House and defend and explain mere incidental points?¹³⁷ The result is, that the House is every day calling for information. The whole system, he said, tends to great expense.¹³⁸ Again, would it not be better to have a constitution, which would keep the country to its determination rather than as at present have all that was determined one year forgotten the next, as was done in the case of the appropriation of wild lands to school purposes, which had been resolved in 1849, but had not been done to this day?¹³⁹ He then adverted to the appropriation of¹⁴⁰ a part of these lands¹⁴¹, for common school purposes, by which a fund of £100,000 had been realized: a portion of this, he understood, was to be applied to the opening of roads, which would be a violation of the law making such provision for education. He concluded by saying he should vote for the measure¹⁴² with all his heart¹⁴³, because he was in favour of the principle, and it would not be placing the Province in a worse position. He did not think, however, that it would be effectual¹⁴⁴ [as] he had no faith in any great improvement, except by a convention.¹⁴⁵ He trusted the government would suggest some plan by which the free action of the¹⁴⁶ Upper House¹⁴⁷ would not be interfered with.¹⁴⁸ For, unless that were secured, they could be of no use in checking heedless legislation.¹⁴⁹

MR. PATRICK thought that constitution-making should be approached with hesitation. He was in favor of the constitution of the Legislative Council, if it could be carried out--that is, if members could attend.¹⁵⁰ Mais comme les membres négligent ou refusent d'assister aux séances¹⁵¹, it was plain that [it] could not be.¹⁵² He was satisfied that something should be done. It had been said if the Legislative Councillors were paid, that they would attend to their duties; but the country would not consent to pay them, unless they had something to do with their appointment¹⁵³ as a condition to funding the money.¹⁵⁴ He said he did not see how they could avoid adopting the elective principle. It was with reluctance that he had arrived at this conclusion. He thought the qualification¹⁵⁵, if there were any¹⁵⁶, should be a property qualification, and a handsome one; and the opposition to the proposed measure shows, that candidates must be individuals of talent, influence¹⁵⁷, public spirit¹⁵⁸, and ability, or they would not be returned by the constituencies. He presumed the resolutions would be carried, and he should vote for the first; but he must confess that his constituents were not advocates of the elective principle; it would afford them more satisfaction were the constitution of the Legislative Council to remain as it is.¹⁵⁹

MR. STREET looked upon the proposed alteration as an organic change, and one neither called for by the people nor desirable in itself. It was also un-British and opposed to responsible government; for to which of the two bodies were the

ministry to be responsible, when they would very probably differ from each other?¹⁶⁰

MR. INSP. GEN. HINCKS.--How are they in England?¹⁶¹

MR. STREET.--In England the thing is altogether different¹⁶². This was one of those questions which ought to be approached with care; and he could not but think that if gentlemen had made up their minds, they should come to a determination upon the subject. It had been said very truly, that the proposed measure was inconsistent with the interests of this country. He should like to know which of the branches of the Legislature the members of the Government are to be responsible: for it was impossible that they could be responsible to both. The manner in which¹⁶³ the government proposed¹⁶⁴ to get out of this dilemma, is to dissolve the Upper House, when they cannot command a majority of the votes of its members. The reason that is urged for the election of a Legislative Council is, that¹⁶⁵ they wanted this Upper House¹⁶⁶ [to] be a check upon the proceedings of this House. What sort of a check would the Legislative Council prove, were it constructed in the manner proposed, and when it could be sent adrift, when it did not act in accordance with the views of the Government; he should like to know if a body so constituted, would be in accordance with the principles of the printed constitution? In England there exists no such power of dissolving the House of Lords, whose members hold their seats by hereditary right. He did not see how the proposed principle could be adopted, without leading to other arrangements; he believed the adoption of the elective principle would tend to sever this Province from Great Britain and to subvert that connection which at present exists, and of which the inhabitants of Canada are proud.¹⁶⁷ He objected to the first clause of the resolutions¹⁶⁸ [and] was not prepared to vote, neither did he believe the people of the country were prepared for such a result. He did not see how any gentleman, unless prepared to vote for an Elective Council, could go for the first section of the Resolutions. He considered that the Government were bound to come down with a series of resolutions, such as the country will approve of, and such as the House would support¹⁶⁹. If it were really the opinion of ministers that this change were necessary to the harmonious workings of the constitution, they ought to have brought down a perfect measure¹⁷⁰ and not to have produced a measure that was not only exceptionable in its principle but with reference to its details; by which the Government determine to retain in its hands the power of dissolving the Legislative Council.¹⁷¹ Was this the way to come down and profess to erect an independent council to their House?¹⁷² This constitution he considered the people of this country would reject with disdain, and who would insist upon putting into that body, men who should remain during the term for which they might have been elected.¹⁷³ He also objected strongly to the qualifications proposed¹⁷⁴ [and] dissented from the third paragraph which limits the choice to certain classes in the community. He respected the¹⁷⁵ municipal councillors¹⁷⁶ as highly as any one could¹⁷⁷, for he had found the good they effected¹⁷⁸. But do not let them be led to understand that when they assume municipal offices, that they must immediately look for a seat in a higher body¹⁷⁹, but let them reason in their proper sphere, and don't stimulate them to divert their attention from those things where they cannot effect so much good ... at the expense of their immediate constituents.¹⁸⁰ But another reason why he objected to the proposition was, that it would not lead to the election of members of the Legislative Council the best that could be found. He believed there was abundance of talent in the country¹⁸¹, of whom she possessed as many in proportion to the population as any part of North America¹⁸², which only wanted an opportunity to be brought out, and which would not discredit the Legislative Council, but whom the proposed plan would not embrace. What right, he would like to know, had the House to say to hon. gentlemen at the other end of the building that they were not required: that the House of Assembly did not want them any more, and would not have them; and to

say this, it must be recollected, without any authority from the Crown, for the Crown had been silent on the subject? What right had the House¹⁸³ to turn out one whole branch of the constitution?¹⁸⁴ To say that hon. gentlemen at the other end of the building should vacate their seats? It might be said that, under the constitutional act, Parliament had the right to propose these changes: but was the House going to say that the members of the Council would vote themselves out of their seats? He did not believe that they would take such a step, for the reason, if for no other, that it would amount to political suicide¹⁸⁵. Were those hon. members really to commit an act of suicide? He thought they were not¹⁸⁶. But if they were willing to vote themselves out of their seats, is it not possible that they may be willing to resign? and if they resign, is it not possible to reconstitute the Council on its present basis in such a manner as to work satisfactorily? It is quite clear that the ... commit this act of political sui[cide] ... come law; for what is done in the one House will have no effect without the concurrence of the other, and if that concurrence is not obtained, all this legislation in the House of Assembly will have no effect. Then if the Council are prepared to do that, they are just as ready to resign their seats, and leave it in the power of the Crown to appoint others¹⁸⁷ [and] remodel the Council.¹⁸⁸ But, he did not believe that they were prepared to vote themselves out of the high position in which they had been placed; and the proof of that was to be found in the fact that a series of resolutions, proposing the dissolution of the Council had been recently before that body, and what became of that motion? Did the motion go to a discussion? No, it was withdrawn, and why? Because the members of the Council were not prepared to support it. And, if these resolutions of the Secretary of the Province pass the House of Assembly, is it to be supposed that they will pass the other body? He thought not, because he believed that there are members of that body who, if they were prepared to attend in their places, would give a decided check to this system of legislation; and he believed that if they were compensated like the members of the Assembly, there would be a much larger attendance; and that if there was such an attendance they would form a most efficient check on the hasty legislation he saw¹⁸⁹ going on every day, but in order to do this they must be paid¹⁹⁰. Now, he was in favour of paying those gentlemen. He thought they ought to be remunerated for the time they spent in performing their public duties. Before adopting the elective principle, he was willing to give them another trial; to give them compensation similar to what the members of the House of Assembly receive; for he repeated it cannot be expected that these gentlemen will leave their ordinary advocations, and come down to this place: give up all their time and attention: while remaining here a long session--a session lengthened out by the debates on matters which are in many cases irrelevant, and have no bearing whatever on the interests of the province. It can scarcely be expected, he would repeat, that they should wait here¹⁹¹, in town¹⁹², during these long debates which are of no practical importance whatever. If the Government would bring down measures of public importance at the beginning of the session; let them push those measures through the House of Assembly, and send them up to the Legislative Council in good time: then it would be possible to determine whether that body would or would not give them that attention which they deserved. With reference to one of the points of detail, the Inspector General had said, a few nights since, that no minister would dare to advise the dissolution of the Council except in cases of great necessity. Now he should like to know what the hon. gentleman meant by that phrase.¹⁹³ What was that great necessity? He supposed one that involved the resignation of the ministry¹⁹⁴, [or] if the ministry introduced a measure by which they were determined to stand or fall, he took it that that would be a measure of great necessity; and that if it were rejected by the Council, the ministry would advise the dissolution of that body.¹⁹⁵

MR. INSP. GEN. HINCKS.--No!¹⁹⁶ [He] wished the hon. gentleman distinctly to understand, that he did not think a Government would be justified in dissolving the Council, merely because they could not succeed in carrying a measure through that body. He would tell the hon. gentleman when he thought a minister would be justified in advising such a course; they would be justified in doing so if matters came to such a crisis in this country as occurred in England, previous to the passage of the Reform bill, when there was a collision between the two branches of the legislature, and when it became necessary either to increase the number of peers--¹⁹⁷

SIR A. MACNAB.--They were not increased.¹⁹⁸

MR. INSP. GEN. HINCKS.--They were not increased, because they gave way. A circular was written by the highest authority in the realm--by the sovereign, to those peers who opposed the passage of the bill, informing them that if they stayed away from the division, the necessity for an increase would be avoided. They acted on that advice; but it must have been apparent to every one that, had they not done so, there must have been an increase for the purpose of carrying the bill, and thus prevent a revolution. In this country there must be a provision for similar exigencies: and it would be only in such cases that a minister would be justified in advising dissolution.¹⁹⁹

MR. STREET that might be the Inspector General's opinion, but it might not be the opinion of the next successor to his place.²⁰⁰ [He] was satisfied that if the power of dissolution were retained, the Legislative Council would be a mere nullity. It would be completely under the control of the Premier: and rather than aid in the construction of such a tool, he would prefer to give his vote in favour of a single chamber. (Cheers.)²⁰¹

MR. BROWN.--One remark. The Inspector General has explained his idea of the exigency which would justify a dissolution; but every new Government would have a new idea as to what would be a "great necessity." (Hear, hear.)²⁰²

MR. STREET.--Exactly so. He was just coming to that point. The Inspector General is not to be always at the head of the Government. The hon. gentleman can scarcely expect that. The fact is, that the proposition before the House goes the length of introducing a new constitution; and other gentlemen who come to fill the place now occupied by the Inspector General, may entertain a very different idea with regard to cases of "great necessity." It is scarcely probable that they would all be bound, in the working of a new constitution, by the opinion of the gentleman who is now Premier.²⁰³ The ministry could always dissolve the council, when they pleased to think there was necessity for doing so; the Governor could have no opinion about it.²⁰⁴

MR. INSP. GEN. HINCKS.--Yes he would.²⁰⁵

MR. STREET, why the Governor had no opinion except those of the ministry, no matter how illustrious he might be.²⁰⁶ What he complained of was, that these resolutions proposed to give to the ruling power of the day in the House of Assembly, the power to decide when it may be proper to advise the Governor to dissolve the Council; and he must act on that advice, and the Council must be dissolved.²⁰⁷

MR. INSP. GEN. HINCKS.--No.²⁰⁸

MR. STREET.--Yes. According to the principles upon which this Government is carried on, the Governor can have no opinion: he must act according to the advice of his Cabinet; and as that Cabinet can advise the dissolution of the Council whenever it may refuse to pass measures originated in the House of Assembly, it

necessarily follows, that the whole legislative power will be confined to that body. That is the necessity to which the Parliament will be reduced, if the principles which the Inspector General advocated were carried out. They are drawn into that necessity. It is a principle which he, as a constitutionalist--a conservative, could not support. He was opposed, then, to this scheme; and he must confess his surprise that it should meet with the approbation of the hon. member for Lincoln²⁰⁹, Mr. Merritt²¹⁰. That hon. gentleman frequently stated that the people of this country will never be satisfied until they get a new constitution; and yet he advocated these resolutions! What use was it, he would ask, that hon. gentleman, to pass the measure, unless it would do some good? He had said, on this occasion, as on many other occasions, that there will be no peace or happiness in the Province, until the people themselves form a constitution; and to effect that object he invited them to elect delegates to meet in convention. Well, he (Mr. S.) agreed thus far with the hon. gentleman, that if the constitution is to be remodelled, organically, we ought to have a convention. He believed that the hon. gentleman was right in asking for a convention²¹¹ [to] settle the whole affair at once instead of tinkering with one piece now, and another at some future time²¹², if the people were ripe for a change: but he did not think that such was the case: he did not believe that they wanted any change, but that, on the contrary, they are perfectly satisfied with the existing constitution. Nevertheless, he could understand the hon. gentleman, when he advocated the election of delegates to a convention; but he could not understand why the hon. gentleman should sustain this proposition, "although," to use his own words, "it amounts to nothing." For his own part, he did not believe that the proposed change would give satisfaction to the people; and he should not, therefore, sustain it: more especially as it came before the country in such an imperfect shape.²¹³ He would take the responsibility of voting against it at once.²¹⁴

MR. LAURIN.²¹⁵ Cette question importante, la constitution du conseil législatif a été pendant plusieurs années un sujet de discussion dans la chambre d'assemblée du Bas-Canada, sous l'ancienne constitution. Le despotisme du conseil législatif d'alors, son refus d'adopter les mesures populaires passées dans la chambre d'assemblée, son opposition factieuse à toute proposition qui tendait à l'avancement du pays et sa volonté arbitraire et bien prononcée de tenir le peuple de la province du Bas-Canada dans un état d'abaissement et de servage, étaient autant de griefs qui ont provoqué et nécessité la discussion d'un changement dans la constitution de ce conseil et qui ont obligé les représentants du peuple à lutter avec énergie contre les prétentions injustes et tyranniques de ce corps corrompu et à demander à appliquer le principe électif à cette branche de la législature. Les événements de 1837 et 1838 sont le triste résultat de la mauvaise disposition et de la constitution vicieuse du conseil législatif.

Sous la constitution actuelle, dans l'hypothèse même que le conseil législatif serait composé d'une majorité d'hommes aussi mal intentionnés que ceux qui composaient l'ancien conseil, le pouvoir de cette majorité se trouverait bientôt nullifié par la création de nouveaux conseillers. Le gouvernement ayant le droit de changer le personnel du conseil législatif suivant ses vues et sa volonté, il s'en suit que ce corps dépend de la volonté du gouvernement et par conséquent qu'il n'est pas indépendant. Son état précaire prive le conseil législatif de la confiance du peuple de cette province. Il est donc de l'intérêt et de l'honneur de ses membres de consentir à en changer la constitution et lui appliquer le principe électif.

Après avoir établi la nécessité de changer la constitution du conseil législatif, et de le rendre électif, l'orateur procède à faire quelques observations sur la manière de le constituer.²¹⁶

Mr. Laurin expressed his willingness to support the first resolution²¹⁷ de l'honorable secrétaire provincial qui propose l'introduction du principe électif dans la constitution du conseil législatif. Il approuve aussi cette partie de la seconde résolution qui suggère soixante comme devant être le nombre de conseillers législatifs. Il propose de biffer cette partie qui dit qu'un tiers se retirera tous les trois ans. L'honorable membre pour Rouville propose seulement trente personnes pour être membres du conseil législatif, et l'honorable membre pour le comté des Deux-Montagnes paraît approuver cette proposition. Quoi! dans un temps où l'on trouve que le peuple de cette province n'est pas suffisamment représenté par quatre-vingt quatre membres dans cette chambre, et que l'on propose d'en augmenter le nombre jusqu'à cent vingt dans l'intérêt de la patrie, quelques honorables membres soutiendront que trente membres est un nombre suffisant pour représenter le peuple de cette province dans le conseil législatif! le gouvernement aura ainsi plus de moyens de corruption, et un gouvernement qui sera corrompu en profitera contre l'intérêt du peuple. Il lui sera plus aisé d'acheter trente membres que d'en acheter soixante, et dans ce cas l'intérêt du peuple sera sacrifié.

Il désapprouve les troisième et quatrième résolutions proposées par l'honorable secrétaire Provincial. Il soutient que la seule qualification requise pour être membre du Conseil Législatif, ainsi que de l'Assemblée Législative devrait être la confiance du peuple de cette province. En effet, à quoi sert la qualification pécuniaire? Cette qualification est illusoire: elle ne tend qu'à produire des fraudes.

Les honorables membres pour Saguenay et Verchères insistent sur une qualification pécuniaire. Ces honorables membres font donc consister l'esprit, l'éducation et les talents dans les richesses? Est-il juste de priver le peuple des services d'un homme d'esprit, d'éducation et de talents, parce que cet homme sera pauvre? Non, c'est une injustice; il ne faut pas restreindre le peuple dans son choix. L'honorable membre pour Verchères paraît vouloir proposer une qualification de deux mille louis pour être membre du Conseil Législatif. Pourquoi proposer une qualification plus élevée pour les conseillers législatifs que pour les membres de l'assemblée législative? Les conseillers législatifs n'ont pas plus de pouvoir que les membres de cette chambre et même ils en ont moins, car l'initiative sur toutes les questions d'argent appartient à la chambre basse. Ils ne devraient donc pas être sujets à une qualification pécuniaire plus élevée que celle des membres de cette chambre. Il (M. Laurin) est loin d'approuver la qualification proposée par les résolutions de l'honorable secrétaire provincial. Toutes ces restrictions sont odieuses, injustes et vexatoires²¹⁸ and [he] should move that they be stricken out, in order to leave the choice of the electors perfectly free.²¹⁹ Laissons au peuple la liberté de choisir les hommes en qui il a confiance et qu'il croit capables de servir ses intérêts.²²⁰

MR. INSP. GEN. HINCKS replied at considerable length but he repeated merely the same arguments which he had used when the House was in Committee before upon the same subject. He combatted ... the idea of the hon. member for Lotbinière which was to do away with all qualification, because were that adopted it would lead ministers to abandon the measure altogether.²²¹ [He] said that there was undeniably a very general feeling that some change with respect to the Legislative Council is necessary. The gallant knight from Hamilton intimated, and he was followed by other gentlemen on the same side, that it would be desirable to pay the members, and the hon. gentlemen also said that there was a willingness on the part of the gentlemen composing that body to withdraw, and allow the Crown to remodel it. Now, he concurred entirely in what had been said by the Provincial Secretary, that it would not be easy to improve the composition of the Council, under the present system. He believed that it is at the present moment, as well

constituted a body as it is possible for the Crown to appoint, and he believed that the hon. Secretary was also right in saying that a very considerable proportion of those gentlemen could be re-elected, if the proposed change was made. He believed that one great difficulty which will always be encountered under the present system, will be the impossibility of getting the members to attend for three or four months at the seat of Government,--without indemnification.²²²

MR. MURNEY.--Adopt that principle, and stop there.²²³

MR. INSP. GEN. HINCKS believed that that difficulty to which he had referred, would always be experienced. He did not believe that gentlemen could be got to attend that House, nor did he think that they would attend the House of Assembly unless they were indemnified, and he believed that was the general ... be formed from what is seen in the United States, it would be found that there is no class of persons in that country--where there is of course a much larger accumulation of wealth in the hands of individuals than in this province--there is not a class of persons in that country who will give up their time and attention to the public business, without remuneration. Now, the member for Hastings said, "why not adopt that principle?" Well, he had no particular objection to it himself, but he believed that there was a very strong feeling in the country against the payment of nominees of the Crown: and he believed that feeling was participated in by many members of the House. He thought that the general feeling was in favour of the application of the elective principle to the Council; and judging from the expression of opinion in the House, he thought that that feeling was fully shared in by hon. gentlemen. Of course, as to the details of the measure proposed, very wide differences of opinion would prevail, but he thought the general feeling was very strong in favour of the elective principle. The gallant knight from Hamilton had endeavoured to throw all the blame of the actual position of the Council, on the Government, for the manner in which the power of the Crown had been exercised; but he would say that he did not think the successive Governments were open to that charge. With regard to the manner in which the appointments were made, he must confess that he was surprised at the whole line of argument of the gallant knight. It is very well to say that the appointments were made by the Crown in former times--why they are made by the Crown at the present moment! It is, of course, utterly impossible to suppose that the reigning-sovereign in former times, or now, could have a knowledge of the persons whom it would be proper to appoint, without receiving advice. Then, with reference to the Government, he would say that in all cases, the persons who filled that high office acted under advice. It must necessarily be so. They come out to this country complete strangers; and were obliged to attend to the advice of persons around them in making appointments; although that advice was not given in the same manner as at present, for the Executive Council was formerly a board for sitting on land matters--scarcely anything else; the difference is, that advice is now given by parties known in the country and responsible to the House for the appointments they recommend. One of the complaints made against the resolutions of the hon. Secretary is, that all the old worn-out politicians of the country will be selected to fill the Council; but what improvement did the gallant knight propose? That the Council should be filled with old worn-out judges! The presumption is, that before these gentlemen retire from the bench, they have become incapacitated from advanced age to discharge their duties efficiently: they must, therefore, be equally incapable of discharging the duties of legislation. Another objection to the hon. gentleman's proposition is that, from their position on the bench, they are entirely excluded from political life, and consequently are not particularly well informed as to the state of public opinion, or very well able to decide as to what would be most advantageous to the country.--The gallant knight fell into exactly the same error as some

other hon. gentlemen, and it is rather a remarkable fact that they grounded their opposition to one of the resolutions--a resolution which he was free to admit had encountered strong, fierce, opposition--on a supposition which was unsustainable on a perusal of the resolutions themselves, that the Government proposed to fill up the Council with old rejected members of Parliament, who had lost the confidence of the people. Now, why should the question be viewed in that light? Why should it not be supposed that members of the existing Parliament would be candidates for seats in that House?224

SIR A. MACNAB.--Who would leave the House of Assembly to take a seat in the Council?225

MR. INSP. GEN. HINCKS.--If the hon. gentleman put it in that point of view: if he made it appear that the Council was to be an inferior body, then it was clear that he broke down the case that he (Mr. Hincks) was endeavouring to establish. His opinion was, that the Council should be a body occupying so high a position, as to render a seat in it an object of emulation to the members of the House of Assembly. The hon. member for Sherbrooke appeared to fear that the effect of rendering the wardens of counties and mayors of cities eligible, would be to introduce politics into the municipal council, but the fact, and it is known to every person acquainted with the working of these bodies, both in this country and in England, that politics have their influence in them, more or less, at the present moment. He could not suppose that any prejudicial effect would result from this proposition. On the contrary, he thought that the result of the last elections had proved that those persons who take a prominent part in the affairs of the municipalities, were those to whom the public were most likely to look; that they are persons who enjoy a large share of public confidence; and that if the Council were composed of persons so selected, it would exhibit less political feeling, than if it were constituted in any other manner. However, the member for Welland objected to the restriction to certain classes, on the ground that it would prevent many persons of talent from offering themselves as candidates. The hon. Gentleman stated that there was a great deal of talent not yet brought out in the country, and that this restriction would forbid the possibility of ever bringing it into action; well, he was not much in the habit of quoting poetry in the House: in fact he did not know that he had ever ventured to do so before, but the hon. gentleman's argument reminded him irresistably of the lines:--

"Full many flower is born to blush unseen

And waste its sweetness on the desert air."

(Hear, hear and laughter.) Now, he had no doubt that there are a great many persons in the country possessing all the talent that the member for Welland claimed for them: but their talents have not been developed: they have never been tried, never selected by the people as worthy of enjoying their confidence to fill any high public station; they have not themselves thought it worth their while to gain the confidence of the people and offer themselves as candidates for Municipal or Parliamentary honours; and he could not see any good reason why they should be selected as the fittest persons to fill the Legislative Council. If it should be thought desirable to send them to the Council, he could not see what objection there can be to the proposal that they should first receive a little training in the House of Assembly. What do we see practically in the British Parliament? Do we not find that almost invariably the most distinguished men in the House of Lords, are those who have gone through and had a thorough training in the Commons? The gallant knight from Hamilton said that there was no other body that could compare with the House of Lords; and he was quite willing to go with the hon. gentleman in making that statement; but what is the reason that the Lords occupy such a high position, except that all its members have

previously become thoroughly habituated to legislative action in the Commons. It is for that reason that the public place so much confidence in that House. This remark was founded on good authority, who stated that, with the exception of Lord Holland, there was scarcely a single instance of a member of the House of Lords, who had not passed through the House of Commons, attaining distinction; and looking to the Legislative Council here, he would ask if the same rule did not apply? All the members who have distinguished themselves in that body have been members of the House of Assembly.²²⁶

SIR A. MACNAB.--There is the Solicitor General for Upper Canada. He is the leader of the Council.²²⁷

MR. INSP. GEN. HINCKS.--The gallant knight stated a fact which was unknown to him before. He could understand the views of the members for Sherbrooke and Rouville with respect to these restrictions proposed by the Government; because these gentlemen were opposed to any qualification. The Government thought that a qualification was necessary, and brought forward their plan: it had been very much objected to and ridiculed, he would admit; it had been denounced as absurd in the most unmeasured terms. But what substitutes for it were proposed? Had there been any strong display of feeling in favour of a high property qualification? He thought not. He did not believe that there is a feeling in favour of it among that class of persons who have objected most strongly to the proposal of the Government. It was asserted that the qualification proposed by the hon. Secretary was too exclusive; but he should like to know from the advocates of a high property qualification if that was not the principle of exclusion? if that did not limit the choice of the electors; and if a choice were to be made between the two kinds of qualification, he would like to know whether there is not a better chance of getting a good House from the class designated by the Provincial Secretary, than from that class who may have no other qualification than their great wealth? In the United States there is a qualification for the elector: it differs, of course, in the several States. In some five or six they have a property qualification which he did not look upon as particularly desirable in this country. Then there is another kind of qualification which is more generally adopted,--the qualification of age. But he did not think it was of the slightest practical use; for it is very seldom, indeed, that any one who had not attained the age required by law, would be chosen to fill the office of senator. In Belgium, there was the same qualification: a Representative must be twenty-five and a Senator forty years of age previous to election. He was disposed, then, to reject both these modes of qualifying, though he thought it very desirable that there should be a qualification, in order that the second branch of the legislature should be constituted in such a manner as to ensure public confidence. It must be perfectly clear that if the proposition of the member for Rouville were acceded to,--if the Council were elected from the same class as the House of Assembly, without any qualification whatever,--if it were elected by the same class of electors, it would be a mere reflex of the House of Assembly in every respect, and its proceedings would not be entitled to the same degree of weight as they would possess if constituted of persons who had already received proofs of the public confidence. However, it would be seen whether the sense of the House is opposed to all qualification, when the vote is taken on the resolutions of the member for Rouville. If the House is in favour of retaining some qualification, then there were only two propositions: should they adopt a pecuniary qualification, or that proposed by the Provincial Secretary? If it were said that the proposition of his hon. friend was too limited, then he would say, if it were not found to work well, could it not be expanded? He had no doubt in his own mind that it would work well; and he should be very sorry indeed if the House rejected altogether the principle of qualification; for it was not improbable, in such a case, that they might drop the resolutions altogether.²²⁸

SIR A. MACNAB enquired whether he understood the Inspector General to say that unless the measure were carried in its present shape, he would abandon it altogether.²²⁹

MR. INSP. GEN. HINCKS did not say that exactly. He was speaking to the resolutions of the member for Brockville, who is opposed to any qualification. Another point which had been very strongly objected to, and particularly by the member for Welland, was the power of dissolution. Now, he could not see what extraordinary objection there is to this power. It is not such a monstrous power. What was the member for Welland afraid of? Was he afraid that the members of the Council would be sent back to their constituents to give an account of their conduct? Surely, if they were right in pursuing the course which had been the cause of dissolution, their conduct would be approved, and they would be reelected. There was no great cause for fear in that. But the hon. gentleman said that the Government of the day might not act on the principle which he (Mr. H.) laid down. He would grant that: but the hon. gentleman should recollect that the Government of the day must act on their own responsibility, and they would not be sustained if they should advise the dissolution except in a case which would justify such an extreme course. The hon. member had spoken in very strong terms, indeed, of the position of the Representative of the Crown. He said that the Governor would be compelled to dissolve the Council if the Cabinet insisted on it; now, the hon. member must know that the Representative of the Crown is not bound to follow the advice of the Cabinet, unless that advice is such as the public are likely to sustain; and it is evident that if that advice were given with respect to either or both of the Houses, and the head of the Government thought it should not be acted on, he would ask other advice. (Hear, hear.) Most unquestionably he would, and he could not understand the cheer or the smile of the gallant knight from Hamilton. Most undoubtedly the power of dissolution must be looked on as being precisely analogous to the power possessed by the Crown, of creating new peers; that is to say, the power of swamping the House of Lords for the purpose of carrying particular measures; and he would say that no one had a right to assume that the Cabinet would advise the Crown improperly or that that advice would be followed, any more than a person has a right to assume that the English Cabinet would advise the swamping of the House of Lords, unless a great necessity for it existed. The moderate course of the English Government should be remembered by hon. gentlemen. They have seen the Jew Bill passed by the House of Commons three sessions in succession, and rejected in the House of Lords, and why should they suppose that the Cabinet here would advise the dissolution of the Council because they could not carry their measures through that body.²³⁰

MR. BROWN said it was most extraordinary to him that a Reform Government should erect a body for the express purpose of throwing out Reform measures. Was it desirable that such a power should be erected to throw out such measures as the Jew Bill? The leader of a popular Government justifies a change in the Constitution on the ground that his own measures may be thereby stopped and thrown back on him!²³¹

MR. INSP. GEN. HINCKS to all such arguments replied that he was desirous of seeing the second branch of the Legislature possess an independent opinion, and he would be the last one who would wish to see it a mere echo of the House of Assembly.²³²

MR. BROWN.--Does not the Legislative Council, as at present constituted, exercise an independent opinion now?²³³

MR. INSP. GEN. HINCKS.--Yes.²³⁴

MR. BROWN.--Then why change it?²³⁵

MR. INSP. GEN. HINCKS.--Sufficient reasons have been given already for the change. The reason is that it is impossible under the present constitution of that body to secure any thing like a full attendance. It is a matter of notoriety, that for the last ten years, there has not been such an attendance as to secure public confidence. Appointments were made for the purpose of increasing the attendance, but the gentlemen newly appointed attended no better than the others.²³⁶

MR. BROWN.--Because they were not paid.²³⁷

MR. INSP. GEN. HINCKS would be totally unable to get on, if he were so frequently interrupted. The member for Kent said "they were not paid:" then he would say to that hon. gentleman that he had discussed that question already. He might be altogether wrong, and that hon. gentleman might be altogether right, as to the state of public opinion; but he could only say that there was a large number of gentlemen in the House who were most decidedly opposed to any payment to the mere nominees of the Crown. He concluded by recapitulating his previous remarks; and stating that there were three points on which the Government had made up their minds, the principles of elections, dissolution and qualification.²³⁸

MR. BROWN²³⁹ rose and said,--Mr. Chairman, the measure before the House demands our most earnest and dispassionate consideration, for it is nothing less than a proposal to change the whole constitutional system of the country. And, sir, I cannot but express my astonishment at the manner in which a measure of such importance has been brought before us. I think we had a right to expect that when the Administration took upon them to pronounce the second branch of the Legislature destitute of public confidence, and to declare that a change in its construction was necessary for the proper conduct of public affairs--I say, sir, we had a right to expect that ere such a declaration was made, a measure well-considered and perfect in all its details²⁴⁰, with its workings explained, and with the assurance that ministers²⁴¹ [of] the Government were prepared to stand or fall, should have been laid on our table. (Hear, hear.) But what do we find?--²⁴² un plan informe, vague, mal conçu, mal digéré qu'il a soin de lancer comme un ballon d'essai sans trop s'occuper du sort qu'il aura²⁴³. Three or four loose, mis-shapen resolutions, without principle and without object, are flung before us, and we are invited to mangle them at our pleasure! (Hear, hear.) Her Majesty's Ministers tell us they are quite indifferent as to all the details of their measure; quite indifferent as to the number of Councillors, quite indifferent as to their age, quite indifferent as to the term for which they are to be elected, quite indifferent as to their qualification--in fact, quite indifferent as to anything but what they call "the principle of the measure." Sir, I think this was not the way in which the grave responsibility assumed by the gentlemen on the Treasury benches should have been discharged. By moving in this question they have seriously affected the position of the Legislative Council, and surely this should not have been done until a remedy was carefully matured and ready to be applied.²⁴⁴ It was a curious thing to bring forward a measure which must throw discredit on the other branch of the Legislature; and it ought not to have been done by a crude set of resolutions to be laid on the table and manufactured at pleasure.²⁴⁵ And what if the first resolution of the series should pass this House, and a change be declared necessary? Suppose after thus casting a stigma on the second branch, we are unable to agree upon the details of a measure to remodel it--will not the Government be chargeable with having recklessly and criminally aided in shaking public confidence in our Legislative system? (Hear, hear.) And what do the hon. gentlemen claim to be the principle of their measure? The hon. Inspector General says it is the elective principle--

and he endeavours to represent the vote upon his resolutions as an issue for or against that principle. He seizes the clap-trap cry for elective institutions and holds it, in terrorem over us, with the warning that if we vote against his scheme we will be held as voting to restrict popular influence. Sir, I have no fear of popular influence, I have no dread of elective institutions--but I am utterly opposed to the scheme before the House: and am so opposed because its sole end and aim is to fetter the force of public opinion and raise a new barrier of resistance to its progress. (Hear, hear.) I deny altogether that the principle of this scheme is²⁴⁶ involved here²⁴⁷ [and] what the hon. gentleman asserts. The elective principle is not a system of Government; it is merely a means of working out our institutions; it may be good or bad, just as the details of its application are judicious or the reverse; you may apply it in one way and it will work admirably,--you may apply it in another, with the very opposite result. The constitution of France--Louis Napoleon's constitution--may be said to be founded on the elective principle, but does not the mode of its application render it nugatory and ridiculous? Trial by jury is an admirable principle--but may not the details of the system render it an evil rather than a good? The Jury may consist of three, six, twelve or any other number--you may adopt a majority verdict or a unanimous verdict.--You may give the Jury power over law and evidence or either of them--in short you may render your principle good or evil just according to your details. And so is it with the scheme of the hon. Provincial Secretary. They claim for it all the merit attached to the word "elective"--but whether any merit at all shall attach, rests entirely on the details of the scheme. Is not the elective principle in full force now? Have not the people, under our system of Government, the ready and entire control over public affairs, through their elected deputies in this House? You may possibly extend the elective principle to branches of the service to which it is not now applied, and thereby strengthen popular influence; but you may so adapt that same principle that the free action of public sentiment will be fettered at every turn, and I am perfectly certain that this will be the sure result of any and every attempt to make two elective legislative bodies under the British constitutional system. (Hear, hear.) This cumbrous and ill-digested scheme of the Government is devised to fetter the working of the elective principle as we now enjoy it²⁴⁸. The effect of the measure would be either to stop the working of the elective principle--to check the will of the people, or to hand the country over, at once, to republicanism.²⁴⁹ It is a Tory measure--(Ironical cheers from the Treasury benches)--and will be resisted by every man who truly favours the cause of progression. And there is another objection to the course of the Government on this matter. It will be admitted by every one that a measure of this kind should not have been suggested without grave necessity.²⁵⁰ Now the gentlemen before they brought forward such a measure ought to have told the house what was to be remedied.²⁵¹ Have they attempted to show the existence of such a necessity? For what do they propose this change? What evil now existing is it to remove? What practical object not now attainable, is it to accomplish? Can any one tell? True, the Hon. Inspector General told us there was difficulty in procuring a full attendance of the Legislative Councillors.²⁵² This session, so far, the Upper House had had nothing to do.²⁵³ But (without admitting the fact) is that a sufficient reason for throwing down the whole system? Was there any work for them to do, had they come together?--Has the hon. gentleman tried to find the reason of the alleged apathy in attendance? Has he endeavoured to remedy it in any way? It does strike me that the hon. gentleman's position is like that of the man who because his ear ached, cut off his head. (Laughter.)²⁵⁴ The hon. gentleman admitted that by paying the members of the Upper House, all the evil he complained of would be remedied--but he says the Country would never submit to it. How does he know that? If the choice is

between paying the Councillors and overthrowing Responsible Government, I think the Country would submit to it, and gladly submit to it. But, sir, it is all very well for the gentlemen on the Treasury benches to place this movement on the ground of the non-attendance of the Legislative Councillors. I can not but think there is another²⁵⁵ and better²⁵⁶ reason for the movement and that that reason dare not be uttered. On this, as on every other question, Mr. Chairman, there are two parties on the Treasury benches--one Conservative, the other professing democratic principles. If the Provincial Secretary (Mr. Morin) were to tell us his true reason for bringing in this bill, I think he would say that its object was to restrain the "Pharisaical brawlers" of Upper Canada (laughter:) and if the Commissioner of Crown Lands were to do so, I am equally sure he would say, it was²⁵⁷ to adopt a popular system, which ... would add to popular power²⁵⁸ [and] to give more effect to Clear Grit influence. (Laughter and cheers.) Imagine these gentlemen seated in Council considering this scheme.²⁵⁹ They acted this out, doubtless, without saying so to one another.²⁶⁰ The Provincial Secretary no doubt would say, "I want an Elective Council or I must resign." What do you want it for, asks the Commissioner of Crown Lands. Oh, says the Lower Canada gentleman, "to put a check on those terrible revolutionists, those "socialists," (as my friend from Montmorenci would say) "in the upper section of this distracted Country." "Very well," says the member for Norfolk, "you may have your Elective Council, but I must have a quid pro quo--I must have the power to dissolve it, or I will resign. (Cheers.) Each had his wish, and as the fruit of the compact, we have this precious bantling--one clause establishing the most Conservative chamber in the world, and another dashing all its Conservatism out of it by one kick of the Inspector General. (Hear, hear.) Will any member of this House believe that the Commissioner of Crown Lands voluntarily inserted the provision for a nine years' term?²⁶¹ [He] would have no elective Council if he could help it²⁶². Will any one believe that the Provincial Secretary willingly consented that the power of dissolution at any moment, should be entrusted to the ministry of the day?²⁶³ [OR that] the Provincial Secretary had no desire for the power to dissolve to be retained in the government?²⁶⁴ The hon. Inspector General truly told us a few nights ago, it was amazing that the Cabinet could agree on so many points. I think this scheme shows very plainly how they agree, and to what lengths they will go to patch up measures to keep themselves in office. It would have required a mechanic of no ordinary cleverness to turn out a piece of handiwork to please the two parties in the Cabinet; but whoever claims the paternity of these resolutions is but a bungler at his trade, for while putting the favorite wheel of each party into the machinery, the combination as a whole defeats the object of both. (Hear, hear.) If the demand for a constitutional change had proceeded from the other side of the House--if the Tories had demanded an elective second branch, I could perfectly understand it. They might tell us that our legislative system is too democratic: that the majority of the House appoints the Executive Council--and that thus the Representatives of the people in this chamber control the whole proceedings, executive and legislative. They might declare against this as an evil--they might show how easily we yield to the demand of the public, and they might insist on some more stringent check being placed on the proceedings of the majority in this House. All this I could perfectly understand, if coming from the Conservative side of the House, with the demand for a nine years' Upper Chamber. But I must confess, sir, that I do not understand how such a measure as this is proposed and supported by the progressive party of Upper Canada. (Hear, hear.) The Reformers of Upper Canada make no such complaints as that of the Conservatives--they complain that the Government does not go fast enough, that great grievances are too slowly redressed, that the popular feeling in the country is not effectively carried out even in this House. I cannot understand how the representatives of such a party, with

the Inspector General at their head, are the advocates of a measure to place new restraints on popular influence--in fact to raise barriers against themselves. Are there not measures enough, that year after year we have demanded in vain? How many useful reforms do we now seek, that are only kept from us by the Conservative character of our Legislature? It is an utter delusion to represent this measure as in accordance with the wishes of the Reformers of Upper Canada. When I look around me and observe the composition of this House--when I see thirty-two or thirty-three gentlemen of Lower Canada voting, as one man, with a morbid terror of progression--as an Upper Canada Liberal, I desire no new checks on the force of public opinion. When I turn to the Treasury benches and mark the professed radicalism of the gentlemen who sit there from Upper Canada--and when I contrast their election addresses, and their electioneering promises, with the miserable meagreness of their practice--far from seeking new checks on the popular will, I am ready to demand more stringent popular control--a shorter duration of Parliament, that the political recreant may be sooner brought to the bar of public opinion. I do not speak to the gentlemen of Lower Canada. I understand very well their views on this matter. They want to restrain the "Pharisaical brawlers" (ironical cheers from the French members) and I cannot blame them, for the day is at hand when we will upset their domination. (Renewed cheers.) But I address the hon. Inspector General who comes here as the leader of the Reformers of Upper Canada--and I ask him to tell us what he proposes to gain by this measure for the Liberal party of the West? Is there a single reform they now demand and cannot obtain, which this change will procure? Is there an abuse existing which cannot now be touched, but will by this scheme be removed? Is there one step in advance which two elective houses may accomplish, but which one elective house cannot undertake? No, sir,--he cannot say that his measure will effect one of their ends. He has the entire control of public affairs in his hands--with his influence in the Cabinet and his majority here and in the Upper House--he can carry any measure he desires, and has the courage to demand from his Lower Canada colleagues. Is he afraid of his own power?--does he seek to restrain his own action? or does he want this new constitutional barrier, as a plea and pretext to Upper Canada for not carrying out the measure to which his Cabinet stands pledged? (Cheers.) Coming from the gentlemen opposite and without the power of dissolution, these resolutions need have caused no suspicion--but coming from the Inspector General, emanating from and supported by the Liberal party of Upper Canada, it is a deliberate act of suicide. (Hear, hear.) It is essentially a Tory measure.²⁶⁵

MR. BOULTON.--A Tory measure?²⁶⁶

MR. BROWN.--Of course it is. In this country it emanated from the Tory league, and in Nova Scotia it was submitted to Parliament by the Tory Attorney General [sic], Mr. Johnstone, and resisted by the progressive party on the ground that it was destructive to responsible government, that bane of Toryism. There was a time, I will admit, when the Reform party of Upper Canada might have consistently favoured a second elective chamber. At the period when an unprincipled oligarchy ruled over public affairs; when the Executive Council owned no responsibility to the people or their representatives; when the Legislative Council vetoed every good measure of the progressive party, and sent it back with disdain to the House of Assembly,--then, indeed, an elective chamber would have been of service to the popular cause. But when a change in the constitution was obtained, --when responsible government was introduced,--when the people obtained full control over the political machinery, the necessity and advantage of such a chamber was altogether taken away. Now the Governor General is compelled to choose his Executive Council from the party having a majority in this House; and

the moment they lose the confidence of the majority, he must unseat them and find others who are in a position to obtain it. When the Reformers asked that the Legislative Council should be made elective in the days of the Colbornes and the Heads, it was because they had no control over it, and it thwarted their every movement. But what is the complaint now? That the Upper House is too complaisant; that it yields to the popular will; that its sympathies are all with the Reform party; that it does not throw out the bills of the Liberal majority of this House! And Upper Canada Liberals lead the assault upon such grounds. (Cheers.) Was ever such folly witnessed among men! I know not to what I shall ascribe the position of the hon. Inspector General. I cannot think that he is blind to the effect of his own measure. The omnipotence of the popular will, as expressed through this House, and the prompt, efficient control we²⁶⁷, the House of Assembly²⁶⁸, exercise over the Executive, is the very mainspring of our constitutional system.²⁶⁹ How could that continue, if there were another House that might oppose that Assembly.²⁷⁰ Without that ready and efficient check over their proceedings, the vast power entrusted, under our constitutional system, to the Ministry of the day, would be dangerous to the State. (Cheers.) Take away the direct, the immediate power of the people's representatives to bring the Ministry to account and to remove them when necessary, and you destroy the vitality of British constitutional government. Now, Mr. Chairman, the question arises, can this effective system of Ministerial responsibility be maintained with two elective chambers? Very clearly, it can not. At present the members of the Upper House are appointed by the Crown on account of their position in society, their stake in the public welfare, their influence in the community, and the experience which they can bring dispassionately to bear on public affairs.²⁷¹

MR. BOULTON.--Hear, hear, hear!²⁷²

MR. BROWN.--The hon. member for Toronto cries hear, as if he doubted the claim of the second chamber to the character I have described; but I am free to tell that hon. gentleman that the talent of the Upper House will not compare unfavourably with that of our own chamber, however highly we may think of ourselves--and that if the members of that body would use their power more vigorously, there would be no want of respect entertained towards them. The Legislative Council, as now constituted, is not intended to be an active political engine like the United States Senate. It is intended, I apprehend, rather as a Court of Review, removed in some degree from the bitterness of political partizanship--but feeling a deep interest in the welfare of the whole country²⁷³, therefore²⁷⁴ capable of taking a broad view of the questions submitted to its consideration²⁷⁵ to soften difficulties, and to give and take.²⁷⁶ Without responsibility to any party or local interest, the Councillors may fearlessly declare their conscientious views on any subject, or their dislike to any measure; and they may yield their personal opinions to the demands of the popular voice without impeachment, when it is unequivocally pronounced. But would this be the case if the Council were made elective? Far from it. If they were elected²⁷⁷, the members would be responsible to [a] party²⁷⁸; they would necessarily be ranged in hostile array as Tory and Radical, precisely as we are here²⁷⁹ [in] the Lower House ... and bound to act accordingly.²⁸⁰ At the hustings they would be subject to the same ordeal as we are--they must explain their views--ally themselves with the several political parties--and come under party responsibilities precisely as we all do now. And their conduct in the Chamber must be true to their professions and alliances at the hustings. (Hear, hear.) The hon. Inspector General attempted to compare an elective second branch with the British House of Peers--but well he knows that there is no just comparison between them. The House of Peers are responsible to no one--they may take any view they like on any subject, and they

may yield to public demand when they see expedient, without question from any one. But if our Councillors were elected, they would be subject to the strictest party responsibility, and could yield their opinions on party questions, as little as any member of this House. (Cheers.) The hon. gentleman seems to forget that not only will responsibility of an elective Councillor be different from that of an appointed Councillor, or hereditary Peer--but that the class of men would be different. The men selected under this new scheme of the Government, will be fixed upon, in nine cases out of ten, mainly on account of their strong political feeling--as prominent members of the Tory or of the Liberal party. They would constitute a totally different class of persons from those selected by the Crown--they would be earnest politicians. They would occupy the same position as the members of this House, many of them bound by pledges at the hustings, and by ties from which they dare not swerve--party interests and party ties would be as well defined with them as with us. (Hear, hear.) Now, sir, let us see how two such bodies could be worked under Responsible Government. It is proposed that the Government shall be elected for nine years, by constituencies different from those which return the Lower Chamber--and during that space three different Houses of Assembly would be elected to co-operate with them. In any country, a different combination of constituencies would produce very different results; but in Upper Canada, with the same constituencies, we have seen almost every succeeding general election exhibit a different result from the one that preceded it. (Hear, hear.) Until the late election, for a great many years back, we had a Tory and a Reform House alternately.--It is true that the same rule does not apply to Lower Canada; but it is to be hoped that the extraordinary spectacle of a people unanimous against progression will not always be witnessed, and that the same political diversities of opinion will arise ere long, as are found in every free country but this. It is clear, it is indisputable, that two such bodies must be often at variance. And yet, under Responsible Government, the Ministry must have a majority in both Houses; they are responsible to the people through their representatives, and subject to removal at their demand; and under this new system, either House will, equally with its fellow, speak the "well understood wishes of the people." (Hear, hear.) I want to know, sir, what is to be done when they are at variance--which shall prevail? The hon. Inspector General supposed the case of a bill sent down here from the Upper House and rejected, and he said nothing would result, that it would simply fall to the ground. That was a very ingenious way of evading the point--but let us take a stronger case, and see how the hon. gentleman will meet it. Suppose a vote of want of confidence in the present Ministry were to pass the Lower House, and suppose the other elective House were to meet it with an address to the Head of the Government not to dismiss his ministers, for that they had confidence in them!--what would be done then? Will the Inspector General answer the question?²⁸¹

MR. INSP. GEN. HINCKS.--The Ministry would either have to resign, or dissolve the Lower House, just as they do now.²⁸²

MR. BROWN.--The Inspector General says they must dissolve the Lower House or resign. Very good. Let us work it out. Suppose they did dissolve²⁸³ the Lower House²⁸⁴, the same men might come back again²⁸⁵ with the same view of things, the Upper House also keeping its opinions.²⁸⁶ The chances in this country are always in favour of the opposition and the vote of want of confidence would not have been passed without a strong assurance that the Country would sustain it. Will the Inspector General tell us what he would do if a house similar to the last were returned?²⁸⁷

MR. INSP. GEN. HINCKS.--The Government would have to go out.²⁸⁸

MR. BROWN.--The Inspector General says the Ministry must go out! Very well. The hon. gentleman and his friends walk across the House and the gallant knight from Hamilton and his friends take their seats. But that would not remove the difficulty. The new Ministry would find a Lower House very much to their minds, but an Upper Chamber in clamorous opposition to them. Will the hon. Inspector General tell us how the gallant knight must act in the dilemma?²⁸⁹

MR. INSP. GEN. HINCKS.--He would have to go on with the Government! (Loud laughter and a voice, "fairly cornered".) Really it is difficult to understand what amuses the hon. gentlemen so much. Does not the history of the British Parliament furnish an example of a Ministry going on for years and years in the face of an opposition majority in the House of Peers?²⁹⁰

MR. BROWN.--The hon. Inspector General says the gallant knight would hold his post in spite of the Upper House. Where, then, would be this "greatly enhanced respect and influence" which we have been so often told this change would bring to the second branch? But it is all very well in theory to suppose such a result. Did it never occur to the hon. gentleman that the new Councillors would have something to say in the matter, and might object to be treated as ciphers in the political machinery? What though a British Ministry may have carried on with a hostile House of Peers? The Peers of England bear no analogy to the Councillors of Canada--elected, as they would be, for their party views, to carry out party objects, and bound by party responsibilities. Would not the minority of the Lower House, and their party in the country, call on their friends, the majority of the Upper House, to remember their party obligations and resist every step of the gallant knight, and would they not be too glad to respond? What would happen them [*sic*]? Mr. Chairman, the whole scheme is an utter delusion--it cannot be worked. (Hear, hear.) But let us suppose another case. If I rightly understood the hon. gentleman, he stated on a previous evening that he did not think it would be incumbent on the Ministry to resign, if one of their measures was thrown out in the Upper House. But suppose the case reversed, and that the Upper House sent down here a measure of considerable importance--what would happen if it were rejected?²⁹¹

MR. INSP. GEN. HINCKS.--I do not understand the hon. member. The bill would not be passed, of course.²⁹²

MR. BROWN.--The Inspector General says the bill would not be passed--but does he think the matter would end there? Does the hon. gentleman think that the Upper House would not insist on its bills being passed, just as we would ours? Would they not say to us, "you must pass our bill, or we won't pass yours?"²⁹³

MR. EGAN.--A demand for "Reciprocity"--Eh? (Laughter.)²⁹⁴

MR. BROWN.--Certainly. A demand for reciprocity--under the threat of retaliatory policy. (Laughter.) They would refuse to legislate--there would be a dead lock.²⁹⁵

MR. INSP. GEN. HINCKS.--I would ask how it happens that there has been no dead lock in Belgium? Their constitution has worked well for ten years.²⁹⁶

MR. BROWN.--Can the Hon. Inspector General take us to no other spot than Belgium for a constitutional system suited to the continent of America?²⁹⁷ Belgium!²⁹⁸ His colleague, the Commissioner of Crown Lands, carried us, a few nights ago, to Russia and Rome for illustrations of popular rights--and now we must go with the Inspector to Belgium in search of a constitution! where will they go next--I expect they will take us to the Inquisition for a model judicial system (cheers and laughter)! The Hon. gentleman evidently misapprehends the

position, which the body created by his scheme, would hold in the political system. He seems to think that he can govern it, as he does his supporters in this House--that he could get up and wag his finger and they would all follow him without a word. (Ironical cheers from the ministerial benches.) But there will be two parties in that house as there are in this--with the same rights, the same powers, and the same knowledge of their position as we have. Does the hon. gentleman think he could propose to such a body a measure to snuff themselves out, as he now does the Upper House. He dared not do it, and I am not without hope that if this absurd scheme should pass this House, the Council will yet assert its dignity, and send it back with a message that will astonish the hon. gentleman. (Hear, hear.) A more unstatesmanlike proceeding than the whole of this affair no man ever witnessed. The Provincial Secretary throws on our table this thing of shreds and patches and bids us make the most of it--and neither he nor the Inspector General, nor the interesting fa[mily] concerned can give an intelligible account of how it is to be worked. (Laughter and cheers.) Were it carried to-morrow, I will tell you how it would end. If the hon. Inspector General had a Radical majority here, and a Tory majority up stairs, he would say--"Very sorry, Gentlemen, but I cannot ... [please] you both;" he would sit most complacently in his arm chair, play the one House off against the other, and singing,

"How happy could I be with either

Were to 'other dear charmer away,"

he would hold on by the honours and emoluments of office. (Laughter and cheers.) And that is the whole meaning of the proposition. It just brings back the old irresponsible execration of Upper Canada prior to the Union. But some hon. gentlemen may tell me, I put an extreme case in supposing the two Houses to be at variance--they may say that as a general rule both will be of the same political complexion. What then would be gained by having two elective Houses? Would not the Tories in the Upper House echo the Tories in the Lower House?--would not the Liberals in the Lower House endorse every word of their friends in the Upper? Were we who sit here now to be divided into two bodies, one sitting here, and the other up stairs--what gain would there be in that? The stupidity on the part of the hon. gentlemen on the Treasury benches is their not perceiving that discordance of political sentiment between two elective bodies destroys Responsible Government, while harmony of sentiment equally destroys all the benefit of an elective senate. But, says some hon. gentlemen, the government scheme works well in the United States. This is a mistake. It is not known in the United States at all--and that no one knows better than the honourable the Inspector General. In the American republican system there is no ministerial responsibility: it is entirely individual. The President, or the governor, has his duties assigned by law, and he cannot overstep his letter: so has the Senator, and so has the Assembly man. The Ministers are appointed by the President or Governor; they have no seats in the Legislature; they have no party responsibility; they are merely heads of departments. There is no combined responsibility, as with us. Each man's duty is prescribed by law; he is bound to obey its letter; but so long as he obeys it, he holds his office till the end of his term. You cannot hold him to account for the wisdom of his conduct,--for the good policy of his Administration; and therein, in my opinion, rests the vast superiority of our system over that of our neighbours. Your American office holder, from the President downwards, during his term of office, is practically independent. Theirs is a system of bars and fetters. Each office and each body has its limits determined,--the powers of the very Legislature are defined by law; and the Supreme Court is above the Legislature. The essential principle of their system is subdivided responsibility to the law. The essential principle of our system is, elective Ministerial responsibility to popular opinion²⁹⁹, for the House could not under

that system bring the Governor or his ministry to the bar of public opinion, and condemn them at any minute, as was done here.³⁰⁰ They could not engraft our Cabinet Council upon their two elective chambers and written constitution; and just as little can we adopt the double chamber, and retain our Cabinet system. It has to be confessed, that the question whether the immense power given to the Executive, under our system, can be worked out on this democratic continent, with advantage to the public, is still undecided. I am free to say, that if the system of jobbing, which we have witnessed of late, should be continued, we may be forced to place the check of republicanism on the Administration. But if the Government can be administered prudently and honourably, as in England, I for one infinitely prefer our present system of Government to that of the United States. (Cheers.) And this, sir, is my grand objection to the scheme before the House; if it passes into law, it will strike the death-knell of British Constitutional Government on this continent. (Loud cheers from the opposition.) Political institutions cannot retrograde without revolutions. If you take this step, demanded by Her Majesty's advisers, you must go on--and you will never halt till you adopt the whole system of the American Republic. (Hear, hear.) It cannot be otherwise. I have shown that when the two Houses disagreed, the Executive would be free from practical control. If we pass the vote of censure here, they would have a vote of approval above--and they would keep their offices. We know the high-handed conduct of the Government now, and its impunity--but what would it be then? The two Houses being at variance, legislation could not proceed--but as the Hon. Inspector General says, "the government must be carried on,"--and the Ministry must carry it on. But act as discreetly as men could, an antagonism would exist between them and the party dominant in the hostile branch of the Legislature--an agitation would follow, jealousy of the Executive would be excited, and a clamour for new restraints on the power of the Ministry would ring throughout the land. The hon. member for Lincoln would point to the State of New York; the hon. member for Toronto would point to Boston; the hon. member for Two-Mountains would point to Washington, and din into the public ear how the Executive was checked across the lines. The first result would be to shut the Ministry out of Parliament--a written constitution would soon follow--and, bit by bit, we would advance to the full adoption of republican institutions. (Hear, hear.) I say not annexation--³⁰¹

MESSRS. BOULTON and GAMBLE.--(Hear, hear.)³⁰²

MR. BROWN.--Yes, I say not annexation--for there is a wide difference between changing our constitution, and allying ourselves with the leviathan republic. The first I should deeply deplore, but black indeed would I deem that day for Canada when the other should be seriously entertained. I say, then, the question before the House is simply a choice between American republicanism and the British constitution. (Hear, hear.) And if the hon. gentlemen intend to carry out this scheme, I think they should come down boldly and manfully and place the discussion on that ground, and ask us to choose between the two forms of government. For my part I am quite prepared to meet them on that issue, and to show that the British constitution in its practical operation, for developing the industry and energy of the people, for preserving the peace of society, for the protection of life and property, and for securing equal and impartial justice, is as far superior to the American as one system can be superior to another. (Loud cheering.) I am prepared to meet the gentlemen on the Treasury benches on that ground--but I am not prepared for a scheme like this, which drives in the wedge part of the way, and gives no chance of withdrawal. (Cheers.) I am not to be tickled, with the cry of "the elective principle," into the surrender of the complete control we now have over the Executive. (Renewed cheering.)--I am not disposed to give up

the substance, to run after the shadow. (Continued cheering.) Sir, it may seem strange that, as the representative of the most liberal opinions avowed in this house, and standing almost alone, I should be found resisting a proposition which has been regarded as a popular movement in Upper Canada. It may seem to some that any change must be beneficial to the party whose views I represent. This is one of those captivating theories with which designing men have excited and fanned the ambers of discontent, by drawing delusive pictures of the evils of the present system, and of the benefits to be derived from a change. I scorn such vile clap-trap. Despite the little power the principles I advocate have at present in this House, they extend far and wide over Upper Canada. We know that the existing constitution gives full influence to public opinion--and we willingly bide our time. I may stand here for three years endeavouring in vain to carry out the purposes for which I entered Parliament--but I know that a change will one day come in the composition and policy of this House, and that those who ride rough-shod over us to-day, will ere long tune their pipes to a different song. The majority of last Parliament was as great and as confident as this--but there were many who sat there then, who are not here now; there may be those here to-day who will never come again. Why should we make this change? Everything goes well throughout the land. Every interest is prosperous. We have free elections--the proceedings are fairly conducted. When the Representation Bill becomes law, the public mind of each Province will obtain fair expression--there is no measure demanded by the public voice which cannot be obtained--there is no arbitrary or unconstitutional legislation complained of--there is no outcry against any injustice done by this House, against a repetition of which the people need protection. (Hear, hear.) Why then shall we make this change? If the Upper House does no good, it does no harm. The expense of maintaining it is little--the cost of the new Chamber will be enormous; certainly not less than one hundred thousand dollars a year. But I contend that the present House is useful. Many valuable amendments upon our bills are suggested by the legislative council--not a few good bills originated with it; the Usury Law Repeal Bill of last session came from the Upper House, and Reformers remember with gratitude that the Peterboro' Rectory Bill of last session after passing this House was thrown out above. Sir, I think the fault of the Legislative Council is that they are not sufficiently "factionous," as the dominant party here term it. If they would kick out one or two of the pet measures of the gentlemen who treat them so disrespectfully, and get well abused, I think they would rise wonderfully in public estimation. Suppose now, they were to throw out half a dozen priest-incorporation bills--or that hundred thousand pound Fire Loan job of the Inspector General; or suppose they were to adopt my bill to abolish the Rectories (laughter,) I'll promise them that the popularity they would acquire, would waken up this chamber as well as their own. The complaint against the Upper House is, that its sympathies are too much at one with the majority of this House. Coming from the minority, such a complaint could be easily understood--but coming from the majority, from the Reformers, it is a diseased clamour, it is ungrateful and intensely stupid. (Hear, hear.) For thirty years the Liberal party contended for responsible Government. Boldly they fought for it--much they endured to obtain it. Their motives were misrepresented, their objects denounced and their prospects in life often seriously injured--because they sought and insisted on obtaining British Constitutional Government. In spite of an impracticable Colonial office--in spite of self-confident Governors--in spite of the opposition of hon. gentlemen opposite--they obtained it. It has been but a few brief years in operation--it has brought all the benefits for which it was sought, for which so much labour was expended. And yet the leaders of the very men who fought for it and obtained it, already to mar its operations

and to introduce a system rife with all the evils of the old irresponsible system, which they succeeded in overturning. (Cheers.) Sir, I ask on gentlemen to look at the statute books of the last ten years, and mark well the long array of useful and able measures which are the fruit of Responsible Government. I ask them to look at the peaceful revolution which has passed over our Institutions, at the admirable political structures it has left behind, at the moral and social, and material progress we are making as a people--and to say, when all this has been the work of our constitutional system, in so short a space, how any man can contemplate a change without dread. Can the Reformers of Upper Canada be a party to it? Can they forget their historical laurels--can they upset their own system, a system which has been already so beneficial? What are they to gain by this change? Cannot they obtain all they want now--are they not obtaining it faster than any country in the world? There is one thing, Mr. Chairman, which has been lost sight of in this discussion. It is said that under the present system, a proper class of persons is not selected by the Crown for the Upper House; that the councillors are not all men who, by their position and force of character, can command public respect and confidence. Now, Sir, I do not agree with the disparaging estimate, too often heard, of the members of the second branch--but were they true, I contend that it arises from our peculiar position as a people; and that we may safely trust to time to rectify the evil. (Hear, hear.) It is no easy thing to find in a new country, men of education, and wealth, and business capacity, who have the confidence of the public, and the will to give up without remuneration three months of the year to the affairs of the state, at a distance from their home. Twenty years ago, the population of Upper Canada was under 200,000,--to-day, it is a million. Where have these 800,000 people come from? From all the countries of Europe: few of them educated; most of them without education and without means; and all of them to make their fortunes if they can. We are yet in an early stage of society; and it is not reasonable to expect that our peculiar form of government can be worked out as perfectly as it may a few years hence. We are all too much on a parity yet, as regards wealth, and knowledge, and influence,--we are all too much engrossed with the pursuit of the dollar,--we, as yet, rub too freely against each other in the ordinary scrambles of life, to look up with great respect to any few selected from the many. But a few years more, and all this will be changed. The increasing wealth of the country, and the schools and the colleges rising everywhere around us, will ere long do their work. A new generation is arising,--is pressing hard on our heels,--and one which I hope will produce men of a stamp to carry confidence in any position, from their own inherent characters, whether elected or appointed. Let us not, then, destroy the fair fabric, though it be not so perfect now as we might wish. Practically we gain all we desire; and time may safely be left to rectify any imperfections in the theory. The Legislative Council has been most unfairly dealt with. Have we not frequently heard, in this very Chamber, hon. gentlemen heaping abuse on it, with the avowed object of bringing it into discredit? And has it not been permitted to pass without rebuke? I think that if a sense of the courtesy due from one branch of the Legislature to another, were not sufficient to deter hon. gentlemen from the use of such language, the rules of this House should be made to prevent such indignity.³⁰³

MR. J.A. MACDONALD.--The rules do prevent it.³⁰⁴

MR. BROWN.--Then they should be enforced. Another class of complainants are those who repeat here constantly, that in 1849, the Council was lifted up with partizans of the Government, for a particular purpose. I have some knowledge of that transaction, and I cannot understand the force of the charge. I believe the gentlemen then appointed were equal in talent, and quite as independent as any in the chamber. Some of them are the most efficient men in it. The Govern-

ment had a large majority against them in the Council--they had been many years out of power--the number was decreased by deaths and resignations--what could they do but appoint some of their friends? Do hon. gentlemen opposite think they should have appointed those hostile to them? Even now the Liberal party has hardly a majority. The clamour raised by the Conservative party, I cannot but think most unreasonable and most hurtful: hurtful because it has tended to bring the whole House into undeserved disrespect. Even if the Government of the day had made an unfortunate selection--it must have been from error in judgement. They would naturally strive to get their best men into the Legislature--and if they did not, it was the Reform party that had a right to complain. Mr. Chairman, I must apologize for detaining the House so long, but I think I have shown conclusively that the scheme proposed by the Government cannot be carried out and ministerial responsibility remain a part of our system--that the issue can only be regarded as a choice between British Constitutional Government and American Republicanism. (Hear, hear.) I am sure that there is no Reform constituency in Upper Canada, in which if the effect of the measure was fairly explained and understood, there would not be an almost unanimous verdict against it. No man pulls his house down because the chimney smokes--he ascertains what is wrong and applies a remedy. So the Government should do now. The hon. Inspector General complains that no better scheme has been suggested by those who oppose his bill. That is not our business, sir,--it is for him and his colleagues to take the responsibility of great changes in the constitution. But I am free to say, that if it is necessary to make any change in existing circumstances, there are many ways in which an alteration might be made. The members of the Legislative Council might be paid, so as to secure a larger attendance--their term of office might be limited--and various other remedies might be suggested for discussion and consideration. It is too strong a statement to declare that the country would never submit to the payment of the Upper House. What practical difference is there between paying councillors and other nominees of the Crown--executive councillors for instance? As the Ministry are so fond of precedents--why, instead of going to Rome or Belgium for examples, did they not go to the sister colonies for a Legislative Council in which the members are remunerated? But, Sir, if a change must be made, and if no efficient remedy can be applied to meet the views of the majority of the House--I am in favour of the total abolition of the second chamber (cheers.) I infinitely prefer Responsible Government to the American republican system, and if we must yield to the clamour against the legislative council, I would rather sweep it away altogether, than give up ministerial responsibility. (Cheers.) We could create a commission of review in their room, say of three members, who should examine all the measures passing this house for omissions and intechinicalities with the power to suggest alterations for our consideration, ere being sent to the head of the government for his sanction. This is the only course open to us if the Government persist in their demand for a change--and I shall at a future stage offer amendments embodying my views. But, Sir, I trust the Government will not persist. I trust they will seriously reflect on the danger of the movement they have undertaken, and the responsibility they will incur by proceeding with it; and deeming discretion the better part of valour, will withdraw their measure.³⁰⁵

MR. MACKENZIE thought the great thing to be considered was if the people were fit for the election of the Upper House. He thought they were, and it was therefore reasonable to look into these resolutions. Now he would seek out the wisest number of men to elect, and let them elect whom they would instead of excluding the wisest and best men, if they had not been elected Mayor. But it was very singular that last year Mr. Hincks had voted against his elective council

and that he now proposed it as a remedy for an evil which he said had lasted ten or twelve years.³⁰⁶ Pourquoi cette détermination n'a-t-elle pas fait partie du discours du trône? Encore de la blague (humbug).³⁰⁷ Was it because, as was alleged, the governor was against it. The Pilot some years ago, too, when under the control of Mr. Hincks, had opposed the hon. member for Two Mountains³⁰⁸, M. Papineau, parce qu'il demandait des institutions électorales³⁰⁹, and so Mr. Baldwin had declared himself decidedly opposed to any organic change. As to the opposition of these plans to British Institutions, the answer was that the Queen had consented to grant them to New Brunswick. There was a great deal, however to be said in favour of no Upper House at all. It was a sin to say anything against them, he confessed, for no one knew anything about them except when the true masonic knock came to the door. He defended the conduct of the government in erecting the new Legislative Councillors, from the intentions of the British Ministry at the time of the Reform Bill. He then stated a number of examples to show that the Upper House ought not to be able to obstruct the other.--Then came back to the League in Canada and Bishop Strachan. In his opinion the Upper House should be dissolved much more speedily than the hon. Inspector General suggested. In Nova Scotia the Legislative Council had offered to resign; the Assembly the year before having unanimously passed a resolution in favour of the elective principle. Mr. Brown's idea that this was a tory measure was not justified by the fact. At present the House was no exponent of anything. All that it did was to send a messenger, to bow and bow, so that the country paid \$40,000 per annum³¹⁰ in order that the Lower House might have a Chinese Mandarin in their shop. But there was no fear of the Upper House, if it were elected by popular vote. He was not afraid. Those who were might vote against it. But the first thing was to have the people fairly represented in that House. He then went back to Mr. Draper's descent from the Lords, which he said had some similarity to the present position of Mr. Ross, who had £600 a year for looking after the interest of Mr. Baldwin till that gentleman came back again. The hon. member then went on to quote a large number of authorities in favour of an elective Council, selecting these authorities from Canada, England, Nova Scotia, and New Brunswick. What astonished him, however, was that though the other day every body was opposing elective judges, the ministry now proposed to elect a House of judges to try the chief officers of the government and even the judges themselves. He then came to that qualification, and cited Sir James Stuart's plan for Legislative council, before the troubles, which he said did not propose any such absurdity, and it was introduced now on account of a mission of Chief Justice Robinson to England, when he said that gentlemen drew £1600 a year. He condemned the qualification. If responsible Government were inconsistent with an elective Legislative Council, it was clearly opposed to popular liberty.³¹¹

MR. MARCHILDON opposed the resolution, chiefly on the ground of expense³¹².

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made further progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Friday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Badgley, The House adjourned.

APPENDIX: 19 OCTOBER 1852.

[NOTICE OF MOTION RE: MONTREAL CITY LOAN.]

MR. BOULTON [gave notice that he would move] for a Special Committee to enquire and report as to the terms on which the Hon. Inspector General, a member of this House, and one of Her Majesty's Confidential Advisers, agreed to negotiate a Public Loan for the City of Montreal,--and that the said Committee shall have power to send for persons and papers.³¹³

FOOTNOTES: 19 OCTOBER 1852.

1. The following papers reported the debate on this matter in identical accounts: QUEBEC GAZETTE, 20 October 1852, MORNING CHRONICLE, 20 October 1852, MONTREAL GAZETTE, 22 October 1852, PILOT, 22 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR DAILY, 26 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852. The debate was also reported by GLOBE, 28 October 1852. GLOBE, 23 October 1852, noted the debate.
2. GLOBE, 28 October 1852.
3. IBID.
4. QUEBEC GAZETTE, 20 October 1852.
5. GLOBE, 28 October 1852.
6. IBID.
7. QUEBEC GAZETTE, 20 October 1852.
8. GLOBE, 28 October 1852.
9. IBID.
10. QUEBEC GAZETTE, 20 October 1852.
11. GLOBE, 28 October 1852.
12. IBID.
13. QUEBEC GAZETTE, 20 October 1852.
14. GLOBE, 28 October 1852.
15. QUEBEC GAZETTE, 20 October 1852.
16. GLOBE, 28 October 1852.
17. IBID.
18. IBID.
19. GLOBE, 28 October 1852. The ellipsis represents illegible words.
20. GLOBE, 28 October 1852.
21. IBID.
22. IBID.
23. QUEBEC GAZETTE, 20 October 1852.
24. GLOBE, 28 October 1852.
25. QUEBEC GAZETTE, 20 October 1852.
26. GLOBE, 28 October 1852.
27. IBID.
28. IBID.
29. QUEBEC GAZETTE, 20 October 1852.
30. GLOBE, 28 October 1852.
31. QUEBEC GAZETTE, 20 October 1852.
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37. QUEBEC GAZETTE, 20 October 1852.
38. GLOBE, 28 October 1852.
39. GLOBE, 28 October 1852. The ellipsis represents illegible words.
40. GLOBE, 28 October 1852.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.

49. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 21 October 1852, MONTREAL GAZETTE, 22 October 1852, QUEBEC GAZETTE, 22 October 1852, PILOT, 23 October 1852, BRITISH COLONIST, 26 October 1852, HAMILTON SPECTATOR DAILY, 26 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852; NORTH AMERICAN SEMI-WEEKLY, 26 October 1852, and NORTH AMERICAN WEEKLY, 28 October 1852. The debate was also reported by: EXAMINER, 27 October 1852 (which also contained a commentary); GLOBE, 28, 30 October 1852; NIAGARA MAIL, 3 November 1852; JOURNAL DE QUEBEC, 23 October 1852; and LE PAYS, 3 November 1852. The following papers noted the debate in identical accounts: GLOBE, 21 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852, OTTAWA CITIZEN, 23 October 1852, EXAMINER, 27 October 1852 (in a separate account), HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BATHURST COURIER, 29 October 1852; BRITISH WHIG, 20 October 1852, HAMILTON SPECTATOR DAILY, 20 October 1852, MONTREAL GAZETTE, 20 October 1852, GLOBE, 21 October 1852 (in a separate account), HAMILTON SPECTATOR WEEKLY, 21 October 1852, BRITISH COLONIST, 22 October 1852, and BATHURST COURIER, 29 October 1852 (in a separate account). The debate was also reported by LA MINERVE, 23 October 1852, which contained a commentary, noting that: "Cette fois le débat plus animé, moins monotone qu'à l'ordinaire. Il n'y a pas eu moins de douze discours sur le sujet, quelques-uns assez concis, d'autres démesurément longs. Au nombre de ces derniers, je puis mettre ceux de MM. Brown et McKenzie qui occupèrent chacun une heure et demie."
50. GLOBE, 28 October 1852.
51. IBID.
52. MORNING CHRONICLE, 21 October 1852.
53. GLOBE, 28 October 1852.
54. MORNING CHRONICLE, 21 October 1852.
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81. LA MINERVE, 23 October 1852.
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120. MORNING CHRONICLE, 21 October 1852.
121. IBID.
122. GLOBE, 28 October 1852.
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150. GLOBE, 28 October 1852.
151. LA MINERVE, 23 October 1852.
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158. MORNING CHRONICLE, 21 October 1852.
159. GLOBE, 28 October 1852.
160. BRITISH COLONIST, 26 October 1852.
161. IBID.
162. BRITISH COLONIST, 26 October 1852. LA MINERVE, 23 October 1852, commented that "M. Street parla longuement contre les résolutions, dans le même sens que sir Allan McNab."
163. GLOBE, 28 October 1852.
164. BRITISH COLONIST, 26 October 1852.
165. GLOBE, 28 October 1852.
166. BRITISH COLONIST, 26 October 1852.
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200. BRITISH COLONIST, 26 October 1852.
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202. IBID.
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204. BRITISH COLONIST, 26 October 1852.
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206. IBID.
207. GLOBE, 28 October 1852.
208. IBID.
209. IBID.
210. BRITISH COLONIST, 26 October 1852.
211. GLOBE, 28 October 1852.
212. BRITISH COLONIST, 26 October 1852.
213. GLOBE, 28 October 1852.
214. BRITISH COLONIST, 26 October 1852.
215. LA MINERVE, 23 October 1852, commented that: "Les deux seuls discours français qu'il y ait eu durant le débat furent ceux de MM. Laurin et Marchildon. Ce dernier s'est laissé aller à des digressions sur une foule de sujets n'ayant aucun rapport avec la question, et n'a exprimé aucune opinion sur la constitution du conseil."
216. LA MINERVE, 23 October 1852.
217. GLOBE, 28 October 1852.
218. LA MINERVE, 23 October 1852.
219. GLOBE, 28 October 1852.
220. LA MINERVE, 23 October 1852.
221. BRITISH COLONIST, 26 October 1852.
222. GLOBE, 28 October 1852.
223. IBID.
224. GLOBE, 28 October 1852. The ellipsis represents illegible words.
225. GLOBE, 28 October 1852.
226. IBID.
227. IBID.
228. IBID.
229. IBID.
230. IBID.
231. IBID.
232. IBID.
233. IBID.
234. IBID.
235. IBID.
236. IBID.
237. IBID.

238. IBID.
239. LA MINERVE, 23 October 1852, commented that: "M. Brown parla longuement, et avec beaucoup de force et de feu. Comme à l'ordinaire, il frappa tantôt contre les ministres, tantôt contre l'opposition, c'est-à-dire, contre sir Allan McNab et sa suite. Il eut des arguments pour et contre tous. Aux conservateurs il démontrait que la mesure était trop démocratique, trop républicaine; aux réformistes il soutenait que les résolutions étaient excessivement rétrogrades, qu'elles auraient dû venir des tories. Pour lui il était résolument opposé aux résolutions: il ne veut aucun changement dans la constitution du conseil législatif; tel qu'il est aujourd'hui, il est inoffensif, il ne peut faire de mal, c'est tout ce qu'il demande; il ne saurait embarrasser le gouvernement, puisque le gouvernement peut à volonté modifier sa composition....On voit que les raisons données par M. Brown pour la conservation du système actuel sont absolument les mêmes qui engagent ses adversaireses [sic] à demander que cette branche de la législature soit électorative."
240. GLOBE, 30 October 1852.
241. BRITISH COLONIST, 26 October 1852.
242. GLOBE, 30 October 1852.
243. JOURNAL DE QUEBEC, 23 October 1852.
244. GLOBE, 30 October 1852.
245. BRITISH COLONIST, 26 October 1852.
246. GLOBE, 30 October 1852.
247. BRITISH COLONIST, 26 October 1852.
248. GLOBE, 30 October 1852.
249. BRITISH COLONIST, 26 October 1852.
250. GLOBE, 30 October 1852.
251. BRITISH COLONIST, 26 October 1852.
252. GLOBE, 30 October 1852.
253. BRITISH COLONIST, 26 October 1852.
254. GLOBE, 30 October 1852. BRITISH COLONIST, 26 October 1852, reported that "if that were the evil, the cure was like that of the man who cut off his head because his ear ached." JOURNAL DE QUEBEC, 23 October 1852, translated it as: "On a dit, il est vrai, que les membres de la chambre haute n'assistent pas aux séances de cette chambre; mais si c'est là le mal, le remède proposé par le ministère ressemble à celui qui se couperait la tête pour se guérir d'un mal d'oreille."
255. GLOBE, 30 October 1852.
256. BRITISH COLONIST, 26 October 1852.
257. GLOBE, 30 October 1852.
258. BRITISH COLONIST, 26 October 1852.
259. GLOBE, 30 October 1852.
260. BRITISH COLONIST, 26 October 1852.
261. GLOBE, 30 October 1852.
262. BRITISH COLONIST, 26 October 1852.
263. GLOBE, 30 October 1852.
264. BRITISH COLONIST, 26 October 1852.
265. GLOBE, 30 October 1852.
266. IBID.
267. IBID.
268. BRITISH COLONIST, 26 October 1852.
269. GLOBE, 30 October 1852.
270. BRITISH COLONIST, 26 October 1852.
271. GLOBE, 30 October 1852.
272. IBID.

- 273. IBID.
- 274. BRITISH COLONIST, 26 October 1852.
- 275. GLOBE, 30 October 1852.
- 276. BRITISH COLONIST, 26 October 1852.
- 277. GLOBE, 30 October 1852.
- 278. BRITISH COLONIST, 26 October 1852.
- 279. GLOBE, 30 October 1852.
- 280. BRITISH COLONIST, 26 October 1852.
- 281. GLOBE, 30 October 1852.
- 282. IBID.
- 283. IBID.
- 284. BRITISH COLONIST, 26 October 1852.
- 285. GLOBE, 30 October 1852.
- 286. BRITISH COLONIST, 26 October 1852.
- 287. GLOBE, 30 October 1852.
- 288. IBID.
- 289. IBID.
- 290. IBID.
- 291. IBID.
- 292. IBID.
- 293. IBID.
- 294. IBID.
- 295. IBID.
- 296. IBID.
- 297. IBID.
- 298. BRITISH COLONIST, 26 October 1852.
- 299. GLOBE, 30 October 1852.
- 300. BRITISH COLONIST, 26 October 1852.
- 301. GLOBE, 30 October 1852.
- 302. IBID.
- 303. IBID.
- 304. IBID.
- 305. IBID.
- 306. IBID.
- 307. JOURNAL DE QUEBEC, 23 October 1852.
- 308. GLOBE, 30 October 1852.
- 309. JOURNAL DE QUEBEC, 23 October 1852.
- 310. BRITISH COLONIST, 26 October 1852, reported £1000 per annum.
- 311. GLOBE, 30 October 1852.
- 312. IBID.
- 313. HAMILTON SPECTATOR WEEKLY, 25 November 1852.

WEDNESDAY, 20 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Smith of Durham,--The Petition of the Reverend John Smith and others, the Congregation in Bowmanville in connection with the Presbyterian Church in Canada; and the Petition of Helen Fairbairn, and others, members and adherents of the Congregation in Bowmanville in connection with the Presbyterian Church of Canada.

By Mr. Clapham,--The Petition of the Reverend Giffard Dorly and others, of the Congregations of the Wesleyan Methodist Church in the County of Megantic; the Petition of Dugald Campbell and others, of the Township of Inverness; and the Petition of John McKinnon and others, of the County of Megantic.

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By Mr. Sanborn,--The Petition of Enos Alger, Esquire, and others, of Eaton and Clifton.

By the Honorable Mr. Young,--The Petition of James Mavor and others, of the City of Montreal.

By Mr. Brown,--The Petition of Alexander Moffatt, Esquire, and others, of Pembroke and its vicinity; the Petition of Francis Thompson and others, of the Village of Yorkville; the Petition of Alexander B. McMillan and others, of the Township of Finch; the Petition of J. Hamilton and others, of the Town of London; the Petition of James George and others, of the Township of Scarborough; the Petition of Elizabeth Sutherland and others, of the Townships of Ekfrid and Mosa; and the Petition of Joseph T. Dutton, Principal of the Montreal Day, Board, and Evening Academy, in the City of Montreal.

By Mr. Christie of Wentworth,--Two Petitions of the Reverend W. Taylor, D.D., and others, of the United Presbyterian Church of Montreal.

By the Honorable Mr. Macdonald,--The Petition of Messieurs John Watkins and Company, and others, Bankers and Merchants of Upper Canada.

By the Honorable Mr. Rolph,--The Petition of David Long and others who served in the Flank Companies and other Military capacities during the late War between Great Britain and the United States; the Petition of Hiram Fairchild and others, of the Township of Middleton; the Petition of Nathan S. Cohoe and others, of the Township of Middleton; and the Petition of the Reverend W. McClellan and others, of Middleton.

By Sir Allan N. MacNab,--The Petition of the Mechanics' Institute of the City of Hamilton.

By Mr. White,--The Petition of William Green and others, of the City of Hamilton.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Board of Trade of Hamilton; praying that the Commercial policy with the United States announced by the Honorable Mr. Hincks on the part of the Government, may not be adopted.

Of Thomas Costen, of the City of Hamilton, late Head Keeper of the Provincial Penitentiary; complaining of his dismissal from the said office, and praying relief.

Of John Calder and others, of Dorchester, District of Quebec; of the Reverend John Ross and others, of the Townships of Tuckersmith and Stanley; of David Ferguson and others, of the Township of Meris; of William Anderson and others, of the Township of Saltfleet; of Absalom Shade and others, of the Town of Galt and its vicinity; of the Reverend Henry Wilkes, D.D., and others, Congregationalists of the City of Montreal; of William Hope and others, of the Town of Niagara; of

the Reverend G.M. Armstrong and others, of the Village of Christieville, County of Rouville; of William Wilson and others, of the Village of Oakville; of J.J. William, Esquire, and others, of the Town of Port Hope; of the Reverend Donald McLeod and others, Members of the Presbyterian Congregation of the Town of Cobourg; of William Anderson and others, of Beach Ridge; of Eliza Fleming and other female Inhabitants of the Village of Christieville, County of Rouville; of the Reverend C. LaRocque and others, of the Town of Dorchester, otherwise called St. John's; of Silas H. White and others, of Sabrevois, County of Rouville; of the Reverend James Fergusson and others, Members of the Presbyterian Congregation of the Townships of Egremont, Normanby and Arthur; of the Reverend Thomas Wightman and others, the Minister and Elders of the Congregations of York Mills and Scarborough in connection with the Presbyterian Church of Canada; and of Robert Irvine and others, of the City of Toronto; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Canals and Railways.

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Of the Municipal Council of the County of Dorchester, Division Number two; praying for the passing of an Act to authorize them to construct Turnpike Roads in the said Municipality.

Of Gilbert Cohen and others, of the Township of Brighton; of Samuel Caldwell and others, of the Township of Hope; and of Andrew Riddell and others, of the Township of Vaughan; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Of François Poulin and others, of Petit Village in the Parish of Beauport; praying that the Petit Village Road, and the way therefrom to the main Beauport Road, near the Lunatic Asylum, may be placed under the control of the Commissioners of the Quebec Turnpike Trusts, for the purpose of macadamizing the same.

Of F.X. Toussaint, President, and others, Members of the Library Association of School Teachers of the District of Quebec; praying aid in behalf of the said Institution.

Of John Gilmour and David Gilmour, of the City of Quebec, Esquires, Merchants; praying that the Bill to incorporate the Cobourg and Peterborough Railway Company may not pass into Law, and that they be heard with reference thereto.

Of J.S. Smith, Esquire, Mayor, and others, of the Town of Port Hope, and others; praying that the Bill to incorporate the Cobourg and Peterborough Railway Company, or any other measure tending to obstruct the navigation of the Rice Lake, by bridging the same, or otherwise, may not pass into Law.

Of Robert Hobson; praying remuneration for his services in maintaining peace and order along the line of the Welland Canal during years 1842-3 and 1844.

Of William Henry Beresford, formerly of Toronto in Canada, at present residing in the City of New York, Esquire; setting forth: That the Petitioner has been informed by his Attorney Clarke Gamble, of the City of Toronto, that the Petition offered to be presented to the House, signed by the said Clarke Gamble, could not be received on behalf of the Petitioner, because the same was not strictly in accordance with the Rules of the House; and praying the House to receive that Petition and take the case of the Petitioner into consideration, and grant him the relief sought under the peculiar circumstances of his case: That the proof necessary to substantiate the Petitioner's claim for a Divorce was only obtained immediately before the former Petition was submitted to the House, and the Petitioner residing at the time out of the Province for the summer, and the Petitioner's wife having taken up her abode in the United States, and refused to appoint any Agent in Canada, it was impossible for the Petitioner to comply with the Rules of the House; and praying that relief in the premises may be granted to the Petitioner during the present Session of Parliament.

Of the Mayor, Aldermen and Commonalty of the City of Toronto; praying that the power proposed to be conferred on County Townships or Village Councils, to assess any particular locality therein for improvements affecting such locality, may be extended to Cities also, with authority to issue Debentures on account of such local improvements.

Of the Municipal Council of the United Counties of Stormont, Dundas, and Glengary; praying that the Bill relating to the endowment and management of the University of Toronto may not pass into Law, but that should any alteration be deemed necessary in the said endowment, it may be the establishment of Grammar or Common Schools in the several Townships of Canada West.

Of William McVeigh and others, Roman Catholic Inhabitants of St. Thomas and surrounding Townships; praying for the passing of an Act to amend the 19th Section of the Common School Act, so as to define the rights and privileges of separate Schools.

Of George Rykert, Esquire, Chairman of the St. Catharines Board of Trade; praying that the Commercial policy announced by the Government with reference to

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differential Duties may be adopted,--but that no additional toll or restriction be imposed on American Vessels passing through the Canals or Inland Waters of Canada.

Of Charles Pageot, junior, and others, of the Parish of La Jeune Lorette; praying for the passing of an Act to authorize the Government to retake possession of and to concede anew, such Lands in Belair and other Seigniories as have been abandoned by those to whom they were originally conceded.

Of Messieurs Allan Gilmour and Company, and others, Merchants, and others, of Quebec; praying that the Act 10 & 11 Vic. cap 25, for regulating the shipping of Seamen, may be so amended and strengthened as to make it operative in its effects.

Of Joseph Cauchon, Esquire, and others, of the City of Quebec, and others; praying for the passing of an Act to incorporate a Company for the building and management of an Hotel in the said City.

Of the Council of the Municipality of the Village of Fraserville, County of Rimouski; praying that the District Town of the District of Kamouraska be transferred to St. Patrice de la Rivière du Loup.

Ordered, That the Petition of John Gilmour and David Gilmour, of the City of Quebec, Esquires, Merchants; and the Petition of J.S. Smith, Esquire, Mayor, and others, of the Town of Port Hope, and others, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

Ordered, That the Petition of Samuel Caldwell and others, of the Township of Hope, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Mr. Smith of Durham, from the Select Committee to which was referred the Petition of John K. Roche, of the Town of Port Hope, and another reference, presented to the House the Report of the said Committee; which was read, as followeth:--

Your Committee have examined the subject of the Petition of John K. Roche, and find that the Magistrates of the District of Newcastle, in January, 1846, in General Quarter Sessions assembled, entered into an engagement with John K. Roche, a Deputy Provincial Land Surveyor, to "erect durable monuments at the commencement and termination of the several Concession lines in the Township of "Hamilton", for which they engaged to pay him the sum of Three hundred pounds, currency."

That the said agreement was made in accordance with the provision of the Statute 38 Geo. 3. cap. 1.

That in accordance with the above engagement Mr. Roche proceeded to the re-survey of the Township of Hamilton, and did place durable monuments at each end of each Concession according to his agreement.

That on the 7th day of January, 1847, the Magistrates of the said District of Newcastle ordered the Treasurer to pay to Mr. Roche the sum of Seventy-five pounds, and on the 6th day of July following, the Magistrates ordered "that the Treasurer pay to Mr. John K. Roche, Surveyor, the sum of Two hundred and twenty-five pounds, being the balance due to him for the survey of the Township of Hamilton."

That Mr. Roche only received, on the two orders, the sum of Fifty pounds, the Treasurer refusing to pay the balance, saying that he had no money in his hands applicable to that purpose.

That, in 1850, Mr. Roche was advised by his Counsel to bring an action against the Municipality of the Township of Hamilton for the balance due him.

That he proceeded accordingly in the Queen's Bench, but failed in obtaining

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judgment, on the ground that his engagement was made with the District Officers, and that the same was not a debt due by the Municipality.

Mr. Roche was consequently compelled to pay the cost, which amounted to the sum of Fifty-two pounds eight shillings and two pence.

Your Committee have also ascertained that the Bond given by the Collector, for the year in which the above rate ought to have been collected, was defective, and that no action in consequence could be maintained thereon against his sureties, provided the whole amount thereof was collected by him.

Your Committee have also ascertained that the said Magistrates in Quarter Sessions, on the 7th of July, 1846, ordered "that the sum of Three hundred pounds be raised and collected in compliance with the Statute 38 Geo. 3, cap. 1, in the Township of Hamilton," to pay for the before mentioned services.

That the Clerk of the Peace for said District did not, as the Law required him to do, make a Collector's Roll for the above mentioned rate, nor extend the same on the ordinary Roll, but procured a Warrant to be signed by two Magistrates of the said District, ordering the Collector of the Township of Hamilton to levy and collect one penny and one farthing on each acre in the Township; but no Roll was placed in his hands specifying what amount each individual should pay.

Your Committee have not been able to ascertain whether the Collector collected the whole amount of the rate, or only the said sum of Fifty pounds paid to Mr. Roche, as there was no Roll ever made for the Collector, nor was it possible to compel the Collector to pay the amount he had collected.

Your Committee are of opinion that more than Fifty pounds was collected; but the amount levied on the Township was lost through the omission of the Magistrates and different Officers of the District.

Your Committee therefore, as Mr. Roche has no remedy at Law, recommend Your Honorable House to pass a Bill authorizing and requiring the Municipal Council of the United Counties of Northumberland and Durham, (formerly the District of Newcastle,) to pay from the funds of the United Counties the sum of Two hundred and fifty pounds, being the balance acknowledged by the Magistrates in Quarter Sessions to be due to Mr. Roche on the 7th of July, 1847, with interest until the same is paid, and also the sum of Fifty-two pounds eight shillings and two pence, being the amount of cost paid by Mr. Roche.

Ordered, That the said Report be committed to a Committee of the whole House, for To-morrow.

The Honorable Mr. LaTerrière, from the Standing Committee on Standing Orders, presented to the House the Eighteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of the Corporation of the College of St. Hyacinthe; and the Petition of the Mayor, Aldermen, and Commonalty of

the City of Kingston for authority to negotiate a Loan to consolidate their Debt; and they find that neither of them is of a nature to require the publication of Notice.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, That Edward Short, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That the Petition of the Board of Trade of Hamilton, and the Petition of Messieurs Allan Gilmour and Company, and others, Merchants, and others, of Quebec, be printed for the use of the Members of this House.

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Ordered, That the Honorable Mr. Macdonald have leave to bring in a Bill to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds to consolidate the City Debt, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Cameron, Resolved, That the Order of this House, of Friday last, That during the remainder of the Session, this House will, after this day, take up the Orders of the day at Six o'clock in the afternoon, unless Notices of Motions are sooner disposed of, and that any matter which may be left unfinished under the operation of this regulation, be taken up first under the head of Notices of Motions on the following day; except that Motions for the introduction of Bills shall have precedence after the Routine business is over, be rescinded.

Resolved, That in order to facilitate the despatch of the Business of this House, Notices of Motions shall have precedence of Orders of the day on Mondays, and that on Wednesdays and Thursdays the Orders of the day be called at Six o'clock in the afternoon, unless Notices of Motions shall have been disposed of before that hour.

MR. BROWN¹ moved the following resolutions² on which the debate was postponed last Monday³:

1. That it is expedient to prevent any new incumbents being placed on the list of clergymen who receive annual allowances from the Clergy Reserve fund, while the question of its final disposition is undetermined.
2. That a committee of five members be appointed, to inquire and report forthwith, as to the best means of preventing any other additions to the said list of recipients from the Clergy Reserve fund, and the said committee have power to send for persons and papers; and that it consist of Mr. Attorney General Richards, Mr. Sanborn, Mr. Fergusson, Mr. Patrick, and the Mover.

Mr. Brown said, it would not be necessary for him to detain the House long in explaining the object of these resolutions, as hon. gentlemen were fully in possession of the general features of the question. The Government stood pledged to break up the existing settlement of the Clergy Reserves, and professed an anxious desire to cut all connections between Church and State, in the most summary manner possible: to take away all endowments from the public property, as injurious to the interests of the country. He understood, that in doing so, the present Government stood pledged to pay regard to the claims of existing incumbents. But if⁴ the professions of the ministry on this subject were sincere⁵, they could have no objection--they would earnestly desire to prevent new incumbents being placed on the list.⁶ It was well known that in the present position of this fund, with uncertainty laying over the future there was a pressure to get new incumbents

placed on the funds.⁷ Additions were being constantly made to the incumbents on the stipend lists of the Churches of England and Scotland,--and the knowledge that the endowment stands in jeopardy, and that incumbents will be pensioned, renders it probable that more than ordinary exertion will be made at this moment to increase the list. He understood that the respected minister of the Establishment in this city,⁸ a Scotch chergyman⁹ (Dr. Cook) was at this moment in Scotland, striving to bring out a number of¹⁰ clergymen¹¹ and it was said, from six to nine would be obtained¹² the Scotch commissioners having already sufficient Reserve for this purpose. The effect would be, if the rights of incumbents were hereafter respected, to make all these gentlemen pensioners for life, on the new Reserve fund, which was proposed to be abolished.¹³ He (Mr. Brown) was very happy that these gentlemen should come to Canada, and that both the Churches in question should spread their wings as widely as they could--but he objected to this extension being effected by the expenditure of public money; and he desired, by his resolutions, to prevent any more clerical pensioners being saddled for life on the people of Canada. This was the object of his resolutions. He might have framed a measure to effect this end; but he knew he would be met with legal objections to any course he might adopt. He had, therefore, moved for a committee, with the Attorney General at its head, to inquire and report the best mode of¹⁴ giving these people notice and preventing them being settled in the country.¹⁵ One mode was clearly open, to address the Governor General, praying that he would give notice to the two churches interested, that no new incumbents would have any claim to future consideration.¹⁶

MR. ROBINSON was surprised at the motion¹⁷. [He] thought the present law should be carried out and that gentlemen who came to the country ought not be disappointed¹⁸ and was opposed to any such proposition as that of the member for Kent.¹⁹

MR. MACKENZIE said, the brother of the hon. member for Simcoe, Chief Justice Robinson, had said that²⁰ the men who had really evangelized the country, when it possessed only common roads²¹, who had carried religion to the huts of the poor settlers²², were the dissenters; now why were these persons who got next to nothing to be sacrificed to strangers, who were just coming to the country, which they had never seen before.²³ It was extraordinary to hear that gentleman getting up and defending the payment of those who know nothing of the country. He trusted that at least there would be found a respectable minority, who were in favour of doing justice to those who had benefitted the Province in the morning of life. If the hon. gentleman wanted to create dissatisfaction in the minds of the Baptists and others, he could not take a better course to produce that result.²⁴

MR. INSP. GEN. HINCKS said it must be obvious, that this was one of a series of measures brought forward by the member for Kent, out of which to make political capital. He had not, however, pointed out in what way he proposes to set aside the law of the land: but proposes a Committee, to prevent what the law says shall be done, without showing in what way this is to be effected.²⁵ It was nonsense to appoint a committee to see how that law could be set aside.²⁶ He (Mr. H.) was prepared to take the responsibility of opposing the appointment of a Committee. The members of the Government are as sincere as is the member for the County of Kent; and so far as there is any portion of the funds in the hands of the Government, it had not been expended in placing new incumbents on the list. No doubt the propositions of the member for Kent will be well received in the country, where the people believe, not knowing what are the facts, that if he could get a Committee, the effect would be to repeal the Act altogether, and to do away with the Clergy Reserves. As no practical effect would result from the

appointment of a Committee, he could not ... assent to the motion.²⁷

MR. D. CHRISTIE, of Wentworth, concurred in what had fallen from the Inspector General. The member for Kent had not shown what course should be pursued; and did not see what object was to be gained, except acquiring some additional popularity.²⁸

MR. BROWN was not much indebted to the hon. member for the motives to which he had attributed his conduct on this occasion. It had been said, that he had not pointed out any way by which his object could be effected;--he left that for the Committee. If it were granted, he would bring several ways under their attention and advise with them as to the best mode of procedure. The question for the House was, is it desirable to prevent new incumbents being put on the Reserve list, and to save the country from being taxed for their support. That was the question on which his motion must be granted or rejected. One course was indisputably open to the Committee--viz. to recommend a memorial to the Governor General, praying His Excellency to give notice to the Clergy Reserve Commissioners of the two Churches, that should the Home Government transfer the power over the Reserves to the Provincial Legislature, while the present Government is in power,--they will not, in any measure they may introduce for the settlement of the question, recognise any claims of any new incumbents--and that without committing themselves as to old incumbents. If this were ... not done, a number of clergymen of both churches, probably, would be soon added to the list, and the expense must be borne by the country for perhaps fifty years to come. There were some clergymen of the Church of England who did not receive the allowance; but when they find the Clergy Reserves are about to be divided, they will all be put on. This motion was one that could be heartily sympathized in by the Liberals of Upper Canada, and I can tell the member for Wentworth, that his conduct will be looked at with surprise. If the Government were really desirous of terminating the connection between Church and State, here is an opportunity of showing their sincerity. It is another test by which they may show that their declarations are not mere empty sounds, but that in heart and feeling, they are what they profess.²⁹

MR. INSP. GEN. HINCKS said, if the member for Kent was correct, then the House had always had it in its power to settle the Clergy Reserve question: it could at any time have prevented new incumbents, as the others died off.³⁰

MR. BROWN said that was a mere quibble. The present Government professed to occupy different ground from any preceding Government--they said they were about to sweep away the whole fabric. If they were sincere, why not tell the churches, that their promised measure would pay respect to no new incumbents?³¹

MR. COM. CR. LANDS ROLPH said the parties had had sufficient warning, in the proceedings of the last³² Canadian³³ Parliament, and in the passing of the address during the present session³⁴ of what they had to expect.³⁵

MR. BROWN. They have had that kind of warning for thirty years, and yet you are to respect their "vested rights".³⁶

MR. INSP. GEN. HINCKS concurred in what had fallen from the Commissioner of Crown Lands, and said that no notice of a more stringent character, than the proceedings in Parliament was necessary. The object of the member for Kent, is to give notice to parties, that they are not to be entitled to any consideration whatever. It was not in the power of the House to prevent new incumbents being appointed.³⁷

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Mr. Brown moved, seconded by Mr. Mackenzie, and the Question being put, That it is expedient to prevent any new Incumbents being placed on the List of

Clergymen who receive annual allowances from the Clergy Reserve Fund, while the question of its final disposition is undetermined; and that a Committee of five Members be appointed to inquire and report forthwith, as to the best means of preventing any further addition to the said List of Recipients from the Clergy Reserve Fund: that the said Committee have power to send for persons and papers; and that it consist of the Honorable Mr. Attorney General Richards, Mr. Sanborn, Mr. Fergusson, Mr. Patrick, and the Mover; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Mackenzie, and Wright of East Riding of YORK.--(3.)

NAYS.

Messieurs Badgley, Boulton, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Attorney General Drummond, Dubord, Fortier, Fournier, Gamble, Hartman, Hincks, Jobin, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, Mattice, McDougall, Merritt, Mongenais, Morin, Murney, Papineau, Patrick, Poulin, Robinson, Rolph, Rose, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Tessier, Valois, Varin, Viger, White, Willson, and Young.--(57.)³⁸

So it passed in the Negative.

MR. STREET³⁹ moved for a Select Committee of five members to whom should be referred the petition of the Municipal Council of the United Counties of Lincoln and Welland, complaining of the non-payment by the Government, of certain claims connected with the administration of criminal justice in these counties, with power to report thereon, and to report also, if any and what amendments are required to the Act of 9 Vic. chap. 38 [sic]; and went at length into a history of the difficulty that had occurred.⁴⁰ From ... [his] explanation it appeared that the act 9 Vic. chap. 58 made the charges of criminal justice in Upper Canada fall upon the Government; but that the accounts of the United counties in question for the administration of justice had not been allowed by the Government; but had been cut down in a manner which the authorities of those counties thought improper ... and which caused loss to the country. He not only wanted an inquiry into the particular circumstances of this case; but also to try to find out if the law could cover all the charges for the administration of justice which it was intimated should be covered.⁴¹

MR. INSP. GEN. HINCKS said that the adviser in this department whose duty it was to revise the accounts for the cost of criminal justice in Upper Canada, was by no means in fault on account of the disallowance of the accounts complained of, inasmuch as he acted on the opinions of the attornies General Draper and Sherwood. He (Mr. H.) thought the act under which those proceedings were taken was very obscure and he did not wish to refuse a committee to inquire into that general question [sic]; but he objected to going into all the cases of disallowance since 1848, on account of the great inconvenience that would be thus caused, and the large amount of money that must be refunded, if the committee should decide against the legal opinions, which had been given, and if the House should adopt a report to that effect.⁴² [He] admitted that the law was defective; but if the present claim were allowed, it would lead to others, which would create a heavy draft upon the Consolidated Fund. He did not consider that any thing could be done of a retrospective character⁴³. He did not think a committee a proper tribunal to inquire into a legal question. The wardens of these counties had been down to Quebec and looked over the whole question, and were he believed satisfied with the arrangement now made.⁴⁴ He would agree to the appointment of

a Select Committee to inquire what amendments are required to the Act referred to, with a view to remove the difficulty in future.--The Inspector General's department, he said, had been guided in the construction of the law by Attornies General Draper and Sherwood.⁴⁵

MR. STEVENSON thought the law had been very fairly administered.⁴⁶

MR. STREET objected to the proposition of Mr. Hincks.⁴⁷ [He] would not accept this compromise. There was a difference among legal men on this subject, and if there was a right on the part of the counties to the refund of money they ought to get it. As there was a new arrangement made calculated to satisfy the wardens, it was evident that there must be an interpretation of the law adverse to that which had hitherto governed the auditor and if this interpretation were the correct one the counties ought to get what belonged to them. He would not, therefore, accept the proposition of the Inspector General.⁴⁸

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Mr. Street moved, seconded by Mr. Boulton, and the Question being put, That a Select Committee of five Members be appointed to which shall be referred the

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Petition of the Municipal Council of the United Counties of Lincoln and Welland, complaining of the non-payment of certain claims connected with the administration of Criminal Justice in these Counties, with power to report thereon, and to report also, if any and what amendments are required to the Act 9 Vic. cap. 58; and that such Committee do consist of the Honorable Mr. Merritt, the Honorable Mr. Attorney General Richards, Mr. Gamble, Mr. Langton, and the Mover; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Burnham, Christie of GASPE, Clapham, Crawford, Dixon, Dubord, Gamble, Hartman, LeBoutillier, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Merritt, Murney, Papineau, Ridout, Robinson, Seymour, Shaw, Street, Stuart, and Young.--(25.)

NAYS.

Messieurs Cameron, Cartier, Cauchon, Chabot, Chapais, Christie of WENTWORTH, Fortier, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Mattice, McDougall, Morin, Patrick, Rolph, Rose, Sanborn, Sicotte, Stevenson, Tessier, Varin, Viger, and Willson.--(25.)

And the Votes being equally divided; Mr. Speaker gave his casting Vote in the Negative.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to amend an Act passed in the eighth year of the Reign of Her Majesty to incorporate the St. Lawrence and Atlantic Railroad Company, and to extend the powers of the said Company:"

Bill, intituled, "An Act for the relief of Sufferers by the late Fire at Montreal, by facilitating the negotiation of Loans to enable them to rebuild the property destroyed by the said Fire."

And then he withdrew.

On motion of Mr. Lemieux, seconded by Mr. LeBlanc,

Ordered, That Edward Short, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining

of an undue Election and Return for the County of Kamouraska, and not having been present within one hour after the time appointed for the meeting of the Committee this day, and not having attended in his place in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of his duty.

The Order of the day for the House in Committee on the Bill to incorporate the Grand Trunk Railway Company of Canada, and on the Fourth Report of the Standing Committee on Railroads, Canals, and Telegraph Lines, being read;

*Mr. Dubord moved, seconded by Mr. LeBlanc, That the said Order of the day be postponed until Thursday the fourth of November next;*⁴⁹

MR. DUBORD moved the postponement of the debate till the 4th November⁵⁰, jour où tous les membres de la chambre se trouveraient réunis à la suite de l'appel nominal, ce qui permettrait à la chambre d'en venir à une décision, après avoir pris l'avis de tous les représentants, sur une affaire d'une aussi vaste importance.⁵¹ The report of the committee he said had only been put into the hands of members at the moment the House met that day, and had not been translated into French at all. It was, therefore, plain that members could not have had an opportunity to study a question, which had occupied the Committee for several weeks, and which involved the expenditure of a very large sum of money.⁵²

MR. YOUNG also spoke in favour of the postponement of the consideration for a couple of days at least. He did not desire any unnecessary delay; but it was very important that members should know what the report of the committee contained, and ... they could not do so without delay for the report was not distributed till this afternoon.⁵³

MR. INSP. GEN. HINCKS was opposed to any delay. The hon. member who desired to see the report might have had an opportunity of seeing it in the morning.⁵⁴

SIR A. MACNAB said Mr. Young must know all that the report contained.⁵⁵

MR. DIXON had been quite unable to get a copy of the report till that day at a quarter past three o'clock.⁵⁶

MR. CARTIER s'oppose au délai demandé.⁵⁷ The report was chiefly composed of documents published already in all the newspapers. The rest might be easily read in⁵⁸ six⁵⁹, ten or twenty minutes. Among other things he would desire them to read the preliminary articles of the Montreal Company, which he thought would be quite enough to convince them of the futility of the pretensions of the Montreal Company.⁶⁰

MR. LEBLANC déclare qu'il n'a pas eu le temps de lire ce rapport⁶¹, and on so important a subject he wished to have time to give his serious attention to it.⁶²

MR. CARTIER still contended that there was no necessity for the printing of the report at all in order to enable the House to proceed, for any member of the Committee could make verbal explanations to the House. The hon. member for Montreal above all others must know all that the report contained, and could explain his views.⁶³

MR. CHRISTIE was in favour of postponement and could not understand the necessity for all this haste in a matter involving an expenditure of £4,000,000 or £5,000,000⁶⁴ [OR] £4[00,000] à [£]500,000.⁶⁵ If the English member of Parliament now here wanted to go away let him go. He, at least, was determined to have all the time that he found necessary for the consideration of the subject.⁶⁶

MR. CAUCHON déclare qu'il est prêt à prendre le rapport en considération.⁶⁷ [He] thought that the parties who opposed the present bill had improperly published

the communications they had made to the committee. Nevertheless by publishing them they had put the public and the house in possession of the most eloquent pleadings possible on their side [of] the question. What was new in the report was certainly not favorable to them. If there were anything new in the report favorable to that view of the question he would not press the measure. He would have the matter decided at once, for the capitalists who were to bring their money to Canada ought not to be kept in suspense and therefore at loss. The most important part of the measure had also been already granted--that was the guarantee by the Province; and all that remained was to decide whether the road should be constructed by one party or the other. He, however, desired before proceeding that the government should declare its intention, and bring in a bill for the construction of the railroad from Quebec to Halifax. There were some indeed who would reject this latter road, unless they got the northern road also; but for his part he was not, however, favorable to that road, for abandoning the Halifax road, for the construction of which such great efforts had been made.⁶⁸

MR. FOURNIER reminded the House of the manner in which railroad bills had already been passed against the protests of the minority, and how that legislation was now to be set aside--What better could be expected if this bill were passed to-morrow? He thought it was fair to members not on the Railroad Committee that time should be given for consideration. The hon. member then went over the course of Railway legislation, first at Montreal and then at Toronto, followed by the proceedings of the Executive in first adopting the St. John's valley line, and then breaking off the negotiation in London. He now declared that he would vote for no Railway guarantee by the Province, unless it were extended to the Road from Quebec to Halifax, nor was he in favour of employing foreigners to do what could be done as well by Canadians, though he had no objection whatever to obtain any foreign capital that was wanted. He concluded by asserting his utter want of confidence in certain members of the House who had taken railways under their protection--a want of confidence, which five years experience had created.⁶⁹

MR. PROV. SEC. MORIN said that as to the road from Quebec all the way to Halifax that was out of the power of thy [sic] government to guarantee. We understood, however, that he declared the government was ready to guarantee the part of the road going through the territory of the Province for one half the cost, but that he objected to mixing up the two questions.⁷⁰

MR. PAPINEAU condemned⁷¹ la prétention injuste⁷² of the government and the Special Committee to force the House upon the consideration of this all important matter. The 4th of the next month was not a long day; and, if it were, an earlier day might be named; but this was too hurried a proceeding to establish a monopoly of the most lasting kind of roads to be made at a cost much more considerable than was demanded at other quarters. There was now a call of the House and the date mentioned in the amendment was intended by postponing the subject beyond that time to give every member a fair share in the responsibility.--The hon. member,⁷³ M. Hincks qui est si pressé aujourd'hui⁷⁴, who now pressed this measure through the House was⁷⁵ le même monsieur⁷⁶ who having undertaken to get money at 3 percent rashly flew from the point for which he had authority in England, to speculators who would not be content with 6 per cent. Yet he was to-day as eager for his schemes of railway making as he was when he was pressing the loan at 3 per cent. But why be so ready to give this immense monopoly? There was no fear that capital would not come in, for the interest on money making lowered on every market in the world, and was likely to be so owing to the recent gold discoveries. Large capitalists ought to be able to compete at better terms than small ones; yet it appeared, only by a hasty glance, that while other railroads had been

built at £3000 and £4000 a mile, it was now proposed to give these great capitalists £10,000 per mile. Why this eagerness? Besides there were the acquired rights of other parties, and if these private rights were to go for nothing, why shut out the chance of these competitions bidding against one another and this when one party offered to bring evidence to prove their capacity for going on with the work on better terms than was proposed by their rivals. This was the misfortune of our responsible Government that the whole House felt itself bound to support the act of a minister, proceeding entirely by his own will in a distant part of the world, where he could have no intercourse with his colleagues. Thus the opinions of members upon the most important political subjects, were overridden by political engagements undertaken at the general election. Thus the country was forced to adopt measures undertaken by one man--exposed perhaps to temptations, not easy for human nature to resist. The House had a right to expect some delay. Capital was not to come to the country as a matter of pure philanthropy that was true. But he wished to see such competition as would secure only moderate profits to the contractors.⁷⁷

MR. MACKENZIE opposed the delay. He had made up his mind to this bill, but he was prepared to hear arguments on both sides.⁷⁸

MR. INSP. GEN. HINCKS said these demands for delay came from members who were opposed to the bill, and he expressed surprise at the opposition to a measure by which the Trunk Railway might be made without expense to the Province.⁷⁹ [He] believed there was a general feeling in favour of the construction of a main trunk line.⁸⁰ He had for some time directed his attention to effect this object.⁸¹ It was, as a member of the Government, that his attention was first directed to the subject. He was called upon to say whether the aid of the Province could be given for the purpose of facilitating this great work, and the Act of 1844 was the result of his deliberations.⁸² Here the hon. member dilated on the need that Canada had for a railway system.⁸³ He believed that there never was a measure introduced into the Canadian Parliament that met with more general approbation, than the one to which he referred. It was accepted by both sides of the House; and he believed that there was no doubt whatever that measure had led to the construction of the St. Lawrence and Atlantic Railroad, and had exerted a very beneficial influence on the Great Western and other roads. The object of that measure was the construction of a railroad from the western to the eastern extremity of the Province; and thence, if possible, to Halifax. Alterations, which experience had shown to be necessary, were made to the Act during this last session: and he believed that those alterations met with the unanimous concurrence of Parliament: and he, therefore, took it for granted, that the great principle in which the country is interested, namely: that the Provincial guarantee should be given to aid in the construction of this road, had received the approbation of the whole Province. Now, as to the mode of constructing that road. There has been a great deal of opposition made to the bill before the House, because⁸⁴ the Montreal and Kingston Railway Company⁸⁵ said it was an interference with their vested rights. The claims of the conflicting parties have been very fully discussed in the public prints for a long time; and he could not believe that there was a single member of the House who had not made himself thoroughly acquainted with all the facts even before these papers came down. He must, then, object most decidedly to the proposed delay. Some hon. gentlemen exhibited a good deal of feeling and surprise at the impatience of the advocates of this measure; but he thought he had said enough to convince its framers--for he had no expectation of convincing any others--of the necessity of passing the bill without delay. Those who are interested in the speedy construction of this road, and who think that the entire line to Halifax may be built by these contractors, if they obtain the charter for the Montreal and Kingston road, must be

of opinion with him, that any delay would be exceedingly prejudicial to the interests they were desirous of advancing.⁸⁶ Les membres qui sont en faveur du délai, sont hostiles au grand tronc de chemin de fer.⁸⁷ For himself, he would say, that he would not assume the responsibility of voting for delay: those who chose might assume that responsibility⁸⁸, which he (Mr. H.) believed was serious, and he would not assume it.⁸⁹ The member for Gaspé spoke of Mr. Jackson as though he had sought this contract, as though he had pushed this matter so far, and would wait the issue of all these contentions to suit the convenience of honourable gentlemen; perhaps the member for Gaspé was right; perhaps that gentleman may wait a considerable time on the deliberations of the House; but he was of a very different opinion.⁹⁰ He stated that Mr. Jackson had a power of attorney to act for some eminent railway contractors, and that power might be revoked by delay.⁹¹ He did not believe that gentleman could wait here much longer. He would very much prefer that the contract should be executed here if possible; if it should not be executed here; if Mr. Jackson should return to England before its completion, it is evident that an agent will have to be sent to London at the expense of the Province, for the purpose. Those members who conceived that the road should not be constructed through that gentleman's agency; who were desirous of getting rid of the whole project, would very naturally vote for the postponement; but he could not understand how the friends of the measure could vote for delay. It should be recollected that the eminent British capitalists who were represented by Mr. Jackson never sought to interfere in the construction of our Canadian Railroads; but they were sought out by parties interested in the welfare of loans, and urgently pressed for a very considerable time before they consented to lend their assistance. He took that opportunity of stating that all the negotiations between Messrs. Peto, Betts, and Brassey and himself in England were of his seeking, because he had reason to believe, from the very great unanimity of feeling which prevailed here before he set out for England, that he would be supported by this country. Before he assumed any responsibility, he communicated with his colleagues on the subject, and received their approbation. They were ready to state, if necessary, that they approved of his conduct, and that it received their complete sanction. Well, the correspondence on this subject, between Mr. Jackson and himself, had been before the House for several days; and he believed that this course would be approved of by the country, for it was for the advantage of the country. What the House had to do, is, to grant a charter to those parties whose names are before the House, empowering them to construct and work the road.⁹² He contended it would be for the benefit of Canada that they should take the road in hand.⁹³ If that were done, he believed⁹⁴ they would make a better road than American contractors. They would make it after the English style; and this was very much superior both for durability and speed to that of any roads on this continent.⁹⁵ Every one must admit that the style in which the English roads are constructed, is far superior to that of the American; that the rate of speed attainable on them is far greater than on the American roads; and that the working expenses are far larger on the American than on the English roads. Now, what the parties who intend to make this contract, profess to be able and willing to do, is to build a road of a class that would be approved by the Board of Trade in England. A very great deal has been said about the cost of that road; it has been said that it will cost twice as much as if it were constructed by parties resident in this Province; but he contended that that was a question for the consideration solely of those parties who invest their money in the concern. It is admitted by those who are most strenuous in their opposition to the bill, by no one more promptly than by the hon. member for Montreal (Mr. Young)⁹⁶, and it was known that that hon. member was the most opposed⁹⁷, that there is no risk whatever to the Province

in giving the Government guarantee to the extent of £3000 a mile⁹⁸ [and] allowing Mr. Jackson to make this road.⁹⁹ Then, again, it is admitted on all hands that the capital for constructing this road, no matter who constructs it, must come from England. Admitting the extreme case put by some hon. gentlemen, that these contractors are going to charge one or two thousand pounds per mile more than would be charged by American contractors, he did not believe that it would be possible to obtain such a road by any other means than these gentlemen would give the Province. He did not care a straw for the estimates which had been submitted. He went on this ground, that the parties who propose to make this road have made roads in the United Kingdom to the amount of £60,000,000 stg., within the last ten years, besides roads in different parts of Europe. The greatest part of this money has been raised exactly in the same way as they propose to raise the necessary capital in this case. They possess a standing in the money market of England, which enables them at once to procure from the railway interest the money they require. That was the position of these parties; but what was the position of the others who alleged their ability to make the road. He would refer to the Quebec and Richmond road as a case in point; while he was in England, the stock of that company was in the market, and every exertion was made by two highly respectable gentlemen of this city to get it taken up, but without success; but the moment the road passed into the hands of the firm represented here by Mr. Jackson, people came forward in England and took up the stock, from the confidence they reposed in the success of every enterprise undertaken by these gentlemen. He believed firmly, that exactly the same thing would occur with respect to this road; if this Montreal Company went home and offered their stock in the English market, stating that they intended to make a road for £6500 a mile, he believed that it would not be taken up; but that if Peto, Betts & Brassey offered the same stock, stating that they were going to charge a higher rate per mile, they would get the money, because the English capitalists would feel satisfied that they would have a good road.¹⁰⁰ He remarked ... on some offers made to the committee by American contractors. After which he repeated that he would not take the responsibility of delay.¹⁰¹

MR. YOUNG said that the Inspector General had repeated on this occasion, what he had frequently asserted before, that the road from Montreal to Toronto, as Mr. Jackson proposed to construct it, would be superior to any other on this continent. Now, he did not believe that that would be the case. He had seen nothing to induce him to believe that it would be superior to any road we have already. He had seen no plan, no specification of that road, and yet he was told that it would be superior to all others in America! The specification of the road from Quebec to Richmond he had seen, and from that he might judge of what Mr. Jackson intended to do elsewhere; and he would say that that road will not be equal to many we have now on this continent. It will not be equal to the St. Lawrence and Atlantic railroad. That specification was borrowed in fact from the specification of the St. Lawrence and Atlantic railroad, which was paid for, in part, in bonds, at a depreciation of 20 per cent. Now, the reason he asked for delay was, that he might have an opportunity of proving, as he had proved to the Railroad Committee, that the specified rates of the Quebec and Richmond road were from 25 to 30 per cent. above cash prices.¹⁰² He was proceeding to read from the report of the committee¹⁰³.

SIR A. MACNAB called the hon. gentleman to order.¹⁰⁴ He did not think the hon. member should go into¹⁰⁵ the report of the Committee which was not at that moment under the consideration of the House. Besides, the hon. gentleman had already spoken. He wished to know, from the Speaker, how often a member was at liberty to address the House on any one question?¹⁰⁶

MR. GAMBLE would like to know why the¹⁰⁷ hon. and¹⁰⁸ gallant knight had not raised this objection while the hon. Inspector General was speaking¹⁰⁹ on the merits of the report¹¹⁰ instead of interrupting the member for Montreal, while pursuing a course which, as a member of the House, he was entitled to take. The hon. gentleman was proceeding to address the House at some length, on the question, when he was called to order.¹¹¹

MR. J. SMITH. (Durham) ... said that the hon. gentleman had no right to proceed in the debate, when a question of order was under consideration.¹¹²

Some conversation [ensued].¹¹³

MR. J.S. MACDONALD the SPEAKER decided that the member for Montreal could not proceed if objection were taken to his speaking the second time. During the present session, hon. gentlemen have been permitted through the indulgence of the House to speak several times--some had been in the habit of speaking four, five and even six times--on one question, and he did not like to interfere as long as no objection was made to it; but as objection was made, he should feel it his duty to adhere to the rule of the House in future.¹¹⁴

MR. BADGLEY contended that the House could not legislate with satisfaction to themselves or to the country.¹¹⁵ [He] advocated delay in order to give members an opportunity of reading the report of the Committee.¹¹⁶ The report had been placed before them to-day only, and hon. members had not had time to read it.¹¹⁷ It was said that every thing contained in it had been already the subject of discussion in the newspapers--but he did not believe that assertion to be correct. Some very important matter--the evidence given before the Committee--at least had not been published; and he thought it was only just that an opportunity should be afforded to hon. members to read that portion of the report.¹¹⁸ The agreement to take the matter up to-day was made, with the understanding that the report should be laid before them yesterday.¹¹⁹

MR. STREET was very anxious for the postponement of this order until another day: for it did appear to him that the House had a right to understand what had been done by a Committee which had sat for several days, with respect to this most important question. He was not opposed to the bill. He did not ask for delay because he was opposed to the bill. He was not pledged to either of the parties who came before the House. He did not even know them, except by meeting them casually in the city. But he had the interests of the country of Canada at heart, and he was not to be driven, so long as he had the opportunity of recording his vote against the motion, into taking action on this bill, which involved millions, until he had an opportunity of making himself thoroughly acquainted with the subject.¹²⁰ The matter was of great importance to the country for good or ill. He was in favor of a trunk Railway, and being unpledged he was desirous of doing impartial justice to both parties, and to act for the benefit of the country. The Inspector General had stated that he would not take the responsibility of delay.¹²¹

MR. INSP. GEN. HINCKS said he had made no such statement.¹²²

MR. STREET had so understood him; and begged to state that he had responsibilities in the House as well as the Inspector General. (Laughter). He might not occupy so high a position but his responsibilities were none the less¹²³. He had his responsibilities to the people of Welland for the vote he gave on this most important question; and if the Inspector General insisted on going on with the bill, without giving him time to read the whole of the correspondence and the evidence consecutively, he should feel bound to oppose it.¹²⁴ The document contained much new matter; it was more than half composed of new matter, and the

letters that had appeared in newspapers, he wanted to read consecutively and to weigh them in connection with evidence adduced. He again remarked upon the importance of the subject and the necessity of proceeding with due deliberation. He admitted there was force in the remarks of the hon. member for Two Mountains in favour of delay to the 4th of November, but thought that would be too long to wait and suggested [sic] Monday next. He contended that it would be a breach of the existing agreement to take the matter up then, as the report had only been placed before members at 8 o'clock that day.¹²⁵

MR. MERRITT hoped that the House would go on with the bill.¹²⁶ [He] thought it would be better to go into committee¹²⁷. They might discuss the provisions without taking any vote, and thus afford members that opportunity which they desired of ... [reading the report.]¹²⁸

MR. MURNEY advised the same course.¹²⁹ [He] contended for going into Committee. He said the subject was not new, and members could read the parts of the report not before published in 10 minutes¹³⁰. Hon. members might read all the new matter contained in the report¹³¹ while the first speech was being made¹³² after the House went into committee.¹³³

MR. J.A. MACDONALD of Kingston said it was not quite so easy for all the members of the House to make up their minds on this subject as it was for the member for Hastings.¹³⁴ He condemned the speed with which the government desired to press this measure. The House had had the assurance from the Inspector General that members should have the report in their hands 24 hours before they went into Committee. After remarking upon the importance of the subject which he contended would require due deliberation, he stated that he hoped the hon. Inspector General would allow the matter to lie over till Monday.¹³⁵ The report had all been put ... into the hands of hon. members within a couple of hours.... Besides, it had not been printed in French, although the tenth rule of the House directed that all bills and documents should be printed in the French and English languages.¹³⁶

MR. INSP. GEN. HINCKS said that the bill had been printed in French.¹³⁷

MR. J.A. MACDONALD admitted that; but the report had not yet been printed in French; and the rule expressly mentioned DOCUMENTS.¹³⁸

MR. J.S. MACDONALD the SPEAKER read the rule and decided that¹³⁹ in consequence of the requirements ... the question could not be considered until the report of the Railway Committee was printed in French and English.¹⁴⁰

SIR A. MACNAB moved an amendment ... to the effect that the motion be postponed until Monday.¹⁴¹

MR. INSP. GEN. HINCKS said Friday.¹⁴²

MR. YOUNG said that some documents which he had moved for to-day could not come down by Friday.¹⁴³

MR. BROWN could not understand the object of all this¹⁴⁴ indecent¹⁴⁵ haste on the part of the Government. There was something very peculiar about it.¹⁴⁶ There had been this kind of haste used in connection with the Trunk Railway since 1850; and he asked why it was?¹⁴⁷ In 1850 it was the same. In 1851 it was the same. The Inspector General came down in that year with the main trunk bill, and forced it through the House at two o'clock in the morning, in spite of the opposition of hon. members. When the Railroad Committee was appointed there was the same haste. When the bill came up for the second reading there was the same haste; and now the Inspector General wished to push it through, although hon. gentlemen had assured him that they had not read the evidence bearing directly on the question!

The House had to consider what was best for the whole interests of Canada. They were not bound to view it in the light in which it had been put by the hon. Inspector General. All that hon. gentleman's puffing of the eminent British capitalists who were represented by Mr. Jackson, looked very like an attempt to make out a case. This country did not say to Messrs. Peto, Betts & Brassey to undertake the construction of the line.¹⁴⁸ We were not beggars to them, as the hon. Inspector General stated¹⁴⁹. If they were the first to make application for it through Mr. Hincks¹⁵⁰, they desired to make the road¹⁵¹ and they might well do so, for many hundreds of thousands will they pocket if they get the work.¹⁵² He said he saw no security in the bill that Mr. Jackson would make a superior road to any on this continent¹⁵³; yet the hon. Inspector General came down to the House and asked it to vote for this bill, which proposes to give £10,000 stg. a mile for the road, although he had himself declared, in a state document, that it could be built for £3,000!¹⁵⁴ [OR] when he had frequently stated in written documents that it could be made for five or six thousand pounds a mile.¹⁵⁵ He wanted to read this document furnished by the Committee, in order to ascertain what had caused the extraordinary rise of prices since last year. The hon. gentleman said that the road was to be superior to all others in America; but what guarantee had the House for that? He said that the bridges were to be of tubular iron--where was the evidence? There was not a word of it in the bill. All that any person could discover so far, was, that the House were to vote for the bill, and Mr. Jackson was to make the most of it. The attempt to push it through was most indecent. The point which the member for Montreal wished to bring out was this, that he is prepared to show, if he has time, that the work will not be better done by Mr. Jackson than by any one else; and that it can be done much cheaper than he proposed to do it.¹⁵⁶

MR. RIDOUT contended that Monday would be quite soon enough to take the matter up¹⁵⁷. [He] said it could not be supposed that he was opposed to this great public undertaking; but he must advocate delay until he had time to make himself acquainted with the details of the report. He thought it would have a very bad effect on the public mind if the bill was pushed through¹⁵⁸ tonight as desired by the Inspector General¹⁵⁹ in spite of the protests of hon. gentlemen.¹⁶⁰

Some desultory conversation [ensued]¹⁶¹.

MR. CRAWFORD said he would move¹⁶² to postpone the consideration of the bill until Friday.¹⁶³

MR. BOULTON said it was a farce to name Friday¹⁶⁴ as the report could not be translated¹⁶⁵ and printed¹⁶⁶ so soon.¹⁶⁷

MR. MACKENZIE opposed Friday as he desired Government measures taken up on that day, and this measure taken up instead of other measures on Monday.¹⁶⁸

MR. INSP. GEN. HINCKS urged the adoption of Friday, or Saturday at the latest, as the day for the consideration of the bill¹⁶⁹. It was important to have the question decided before Mr. Jackson left the country; and he (Mr. H.) knew that he¹⁷⁰ must leave ... for Europe by the steamer of the 3rd November¹⁷¹. If the question were postponed until Monday it would be impossible to get it through before Mr. Jackson left.¹⁷²

A few remarks [came] from MR. FOURNIER¹⁷³.

(327)

Sir Allan N. MacNab moved in amendment to the Question, seconded by Mr. Gamble, That the words "Thursday the fourth of November" be left out, and the word "Monday" inserted instead thereof;

And the Question being put on the Amendment;--It was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the said Order of the day be postponed until Monday next.

The Order of the day for receiving the Report of the Committee to consider of fixing a Tariff of Fees to be paid by Suitors on certain proceedings in County Courts in Upper Canada, being read;

Ordered, That the said Order of the day be postponed until Friday next.

The Honorable Mr. Robinson reported the Bill to provide by one general Law for the incorporation of Electric Telegraph Companies; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Act for better securing the independence of the Legislative Assembly of this Province, being read;

Ordered, That the Bill be read a second time on Wednesday the third day of November next.

The Order of the day for the second reading of the Bill to extend the provisions of an Act, intituled, "An Act for better securing the independence of the Legislative Assembly of this Province," being read;

MR. CAUCHON¹⁷⁴ moved the second reading of the bill for extending the act for securing the independence of the Legislative Assembly. He explained that the intention was to exclude from Parliament all stipendiary magistrates and all officers of government who, receiving fees, were in fact as dependent as those who received salaries.¹⁷⁵

(327)

Mr. Cauchon moved, seconded by Mr. Christie of Gaspé, and the Question being proposed, That the Bill be now read a second time;

The motion was opposed by MR. PROV. SEC. MORIN¹⁷⁶.

[It was] supported by MR. PAPINEAU.¹⁷⁷

MR. BOULTON did the same, and pointed out the scandal which at present existed of a Solicitor General paid £600 by the country, sitting in the other branch of the Legislature, and sending two members of the Lower House to Upper Canada to fulfil his duties, at a further expense of two or three hundred pounds for two or three weeks' absence.¹⁷⁸

MR. CHRISTIE contended that unless some check was put to this system, the house in a few years would be exposed to the most thorough public contempt.¹⁷⁹

MR. COM. PUB. WORKS CHABOT could not understand why journalists should have advertisements, and merchants contracts from the government, without being excluded from parliament, and yet lawyers should not have crown business to contract without being excluded.¹⁸⁰

MR. BROWN also supported the bill. One of the great evils in our system of government was the power of the Executive; and anybody who had watched the House for the last ten years must see the way in which influence is brought to bear upon members of the House; the bill ought to be passed in order that the broad principle might be established that members of parliament should not take money from the government, and should not legislate themselves into office. If responsible government were to be maintained, it must be by limiting the patronage of the government.¹⁸¹

MR. GAMBLE also maintained the principle of the bill; animadvertising on the fact that the paid chairman of the quarter sessions at Three Rivers had a seat in the House, and that two lawyers were sent from the House to conduct crown business.¹⁸²

MR. MACKENZIE opposed the bill; but remarked upon the circumstances of Mr. Morrison being returned for the trumpery little borough of Niagara, and being trundled off to conduct the Toronto assizes, to prosecute for the government at a large expense to the country, while he was at the same time drawing \$4 per diem for his services in that House. He could not understand, however, how it happened that all the assistant secretaries were to be allowed to have places in the House. While, therefore, he approved of some parts of the bill he could not vote for it in its present shape.¹⁸³

MR. DIXON would vote for the bill on the understanding that it was to be amended in committee.¹⁸⁴

MR. CAUCHON thought if the hon. member for Haldimand had any principle at all, he ought to vote for this bill, as he (Mr. Cauchon) had offered to amend his bill. As to the under Secretaries he had not excluded them by this bill, because they were specially [sic] excepted by name in the present law from the officers who were excluded. The objection to the bill on account of those small defects came still worse from Mr. Morin as he had affirmed the principle of this very bill in 1843, though he now moved its six months hoist on trifling objections of this kind. If the hon. member did this because his ministry wanted the strength of the men whom his bill would exclude let the hon. gentleman say so. The evil that he sought to check was an increasing one. Nor was it the first time since he had known Parliament he had seen, in addition to the lawyers receiving fees, two members not in the Government who were receiving salaries. Soon the House would be full of officials. As to the trifling mistakes in the bill, the ministry often made very much more considerable ones in theirs.¹⁸⁵

MR. EGAN hoped the bill would be so amended as not to exclude gentlemen now in the House, as was the case with the hon. member for St. Maurice.¹⁸⁶

MR. INSP. GEN. HINCKS contended that the bill was so bad that the minstry [sic] were forced to determine to oppose it, for they could not tell that it was to be amended as the mover now proposed to do. The fact was too that the mover had always voted against this principle, when it had been ten or twelve times before brought up. He would never consent to affix such a stigma to the legal profession as to exclude such members of it as might sit in the House from emoluments, while all other men were allowed to receive them. Then the next question was whether a strong case had been made out as to the other offices. There were two gentlemen in the House who held offices that no doubt, had they existed at the time when the independence of Parliament bill was passed, would have been included in it; but he considered these two instances of too little consequence to justify an amendment of the law. Custom House officers Imperial or otherwise could not sit now in the House.¹⁸⁷

MR. R. CHRISTIE said, notwithstanding what Mr. Hincks had said about Custom House officers not sitting in the House, the County of Gaspé had been canvassed by the Custom House officer there, who spent his time in going about the country canvassing, while he was receiving the pay of the country for duties, which he neglected.¹⁸⁸

MR. INSP. GEN. HINCKS has no hesitation in saying the gentleman in question had acted with very great impropriety, and certainly had no saction [sic] from the government. The gentleman had, however, been in the Imperial Government, and

had declined to take office under the Provincial Government; but he had no doubt if the Imperial Government were appealed to, that the Government would show that they highly disapproved of such conduct.¹⁸⁹

MR. LAURIN approved of the principle of the bill; but did not wish to apply it to persons already in the House. He would therefore vote for a certain part of the bill if made to apply only to the future.¹⁹⁰

MR. SOL. GEN. CHAUVEAU said that the government were obliged to oppose this measure because it was admitted that the clauses were absurd; and it was unfair, when the government had taken the responsibility of moving the six months hoist, to force so imperfect a measure through.¹⁹¹

MR. BROWN, the Agricultural bill.¹⁹²

MR. SOL. GEN. CHAUVEAU if however the House was of opinion that the bill for securing the independence of Parliament should be further extended, government would bring in a bill for that purpose.¹⁹³

Some observations [came] from MR. LEMIEUX in opposition to the bill.¹⁹⁴

MR. COM. CR. LANDS ROLPH declared himself against the principle of this measure, the people should be the only judges of who should sit in the House. If the House could exclude one set of people, it might exclude another, and so on till it excluded all but themselves. In England they had formerly excluded Catholics and Jews, now they were all admitted or about to be so. In Canada we seemed to be going back again in excluding the different sets of people.¹⁹⁵

(327)

The Honorable Mr. Morin moved in amendment to the Question, seconded by the Honorable Mr. Chabot, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Egan, Fortier, Fournier, Hincks, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Marchildon, McLachlin, Monge-nais, Morin, Paige, Patrick, Poulin, Rolph, Sicotte, Smith of DURHAM, Taché, Varin, White, and Wright of East Riding of YORK.--(29.)

NAYS.

Messieurs Badgley, Boulton, Brown, Cauchon, Christie of GASPE, Clapham, Dixon, Durbell, Gamble, LeBoutillier, Lyon, Macdonald of KINGSTON, Mattice, Papineau, Ridout, Robinson, Shaw, Street, Stuart, Valois, Viger, and Young.--(22.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

(328)

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Smith of Durham, seconded by the Honorable Mr. Attorney General Drummond,

The House adjourned.

[NOTICE OF MOTION RE: PRINTING.]

MR. STUART [donna avis que] vendredi prochain [il ferait motion pour un] comité de toute la chambre pour prendre en considération l'opportunité d'abolir les droits sur les presses et les caractères d'imprimerie.¹⁹⁷

[NOTICE OF MOTION RE: IMPROVEMENT OF THE OTTAWA DISTRICT.]

MR. EGAN [gave notice that he would move for a] Committee of the whole, on addressing His Excellency, relative to the adoption of measures for the improvement of the Ottawa section of the Province.¹⁹⁸

[NOTICE OF ADDRESS RE: DOCUMENTS RELATIVE TO THE MONTREAL COURT HOUSE.]

MR. BADGLEY [donna avis que] vendredi prochain [il ferait motion pour une] adresse à son excellence pour la prier d'ordonner à l'officier [à] qui il appartient de préparer et mettre devant cette chambre, tous les contrats, plans et documents relatifs à l'érection et construction du palais de justice de Montréal, et toute la correspondance avec les architectes à ce sujet.¹⁹⁹

[NOTICE OF QUESTION RE: JUDGE FOR ST. FRANCIS DISTRICT.]

MR. STUART [gave notice that he would make] enquiry of [the] Ministry, whether a Judge for the Inferior District of St. Francis has been appointed, and if not, whether it is the intention of the Government to make such appointment without delay.²⁰⁰

[QUESTION AND ANSWER RE: ALLOWANCE TO COMMISSIONER OF CROWN LANDS.]²⁰¹

MR. BOULTON enquired of the ministry, whether the present Commissioner of Crown Lands, who accepted Office after the removal of the Seat of Government to Quebec, has received the sum of £100 from the Government as an allowance to other Heads of Departments who had removed to Quebec from Toronto, and under what authority such payment was made?²⁰²

MR. INSP. GEN. HINCKS, in reply, would observe that the present Commissioner of Crown Lands accepted office before the removal of the Seat of Government took place. He applied for the allowance and received it. There was a sum voted for the removal which was found insufficient, and the balance would be included in the estimates.²⁰³

[QUESTION AND ANSWER RE: IMPROPRIETIES IN THE PROVINCIAL PENITENTIARY.]²⁰⁴

MR. BOULTON enquired of the Ministry, "whether they have been informed that gross improprieties have taken place in the Provincial Penitentiary, between the Officers or other males connected with that Institution or confined therein, and the female convicts therein, and whether any steps have been taken by the Government to prevent a recurrence of such disgraceful acts in that and other Public Institutions?" He said he had been requested to ascertain whether the facts were such as had been represented, as the greatest improprieties were alledged [sic] to have prevailed in that Institution.²⁰⁵

MR. INSP. GEN. HINCKS replied, that he believed such improprieties had existed; upon ascertaining which, the party had been immediately dismissed. He did not think any further steps had been taken and had since understood that in the best regulated institutions²⁰⁶, in the United States, which the hon. member so much

admired (laughter)²⁰⁷, such as Auburn similar abuses prevailed.²⁰⁸

MR. BROWN said there must be some mistake about Auburn, as there were no ladies in that Institution.²⁰⁹

[QUESTION AND ANSWER RE: DRUMMOND'S SEIGNORIAL TENURE BILL.]²¹⁰

MR. SICOTTE enquired of the Ministry "whether it is the intention of the Government to move for the concurrence of the Legislature, and its assent to the Bill relative to the Seignorial Tenure, which has been introduced by the Honourable the Attorney General Drummond during the present Session²¹¹."

MR. INSP. GEN. HINCKS replied, that it was the intention of the Government to proceed with the Bill during the present Session.²¹²

[WITHDRAWN MOTION RE: CORRESPONDENCE ON THE SUBJECT OF RECIPROCITY.]²¹³

MR. RIDOUT moved an address to His Excellency, for copies of all correspondence between the Government of Canada and the United States, on the subject of Reciprocity.²¹⁴

MR. INSP. GEN. HINCKS said there was no such correspondence as that which had been asked for. It was impossible for this Government to communicate with that of the United States. There was only one way in which that could be effected, which was through the ministry in England and the Ambassador at Washington. In fact, if there were any such correspondence in existence, it would be most prejudicial if it were published while negotiations are in their present state. There was no doubt that the British Minister had been furnished with instructions to settle the question on advantageous terms, and ... is endeavouring to bring the negotiations to a satisfactory termination. He repeated there was no correspondence of the character referred to.²¹⁵

MR. RIDOUT said, after the explanation that had been given, it were [sic] useless to press his motion; but he would enquire if there might not be some correspondence with the ambassador, that might be useful in enabling the members of the House to arrive at a more correct idea of the prospect of the measures in progress being brought to a favourable termination. The Inspector General was doubtless desirous of furnishing such information as would not be detrimental to the public service; and before he made a motion to that effect, he would put the question; and if he thought there was any such information, he should make a motion accordingly.²¹⁶

MR. INSP. GEN. HINCKS opposed the motion on the ground that²¹⁷ there was no correspondence which at the present time could be made public, without detriment to the public service. He did not understand exactly to what the member for Toronto referred, but he was not aware of any correspondence that would be of the slightest use with reference to the present question.²¹⁸

Motion withdrawn.²¹⁹

[WITHDRAWN MOTION RE: A STATEMENT OF RETURNS IN THE LUMBER TRADE.]²²⁰

MR. BOULTON moved for a return of all sums that have been or will be refunded, and that have been or will be remitted to parties engaged in the Lumber Trade, in consequence of the Order in Council made on or about the 14th September last. He said, as a reduction had evidently been made in the duty on red pine timber, he wished to know at what time it took place, and from what period it was to take effect, also what it had amounted to. It was understood the other evening, when this subject was before the House, that where duties had been paid after a certain

period they were to be refunded, and where they had not been paid, the difference was to be remitted. All he wanted to know was, what was the amount thus implicated.²²¹

MR. INSP. GEN. HINCKS said, as he understood the motion, the member for Toronto refers to sums said to have been refunded subsequently to the passing of the order of the 14th September, and which took effect from that date. No duties, he said, had been returned, and none would be, without the sanction of the House. It had been alleged that cases of hardship had occurred where persons had paid while the reduction was under the consideration of the Government. All he could say was, that if any rule were made evident, the Government would assume the responsibility of dealing with them, and would come down to the House for its sanction. It had been stated that a member of the Government had intimated that something would be done. It was time that the President of the Council had expressed an opinion that the order would take effect from an earlier period; but nothing could be more clear than that the Government had no such power, without the sanction of the House. No claim, however, had as yet been advanced, to enable them to say, whether they would come down to the House or not.²²²

MR. BOULTON said the motion was rendered necessary by the statement of Mr. Egan that the government had promised to return monies paid on account of this duty.

After the assurance of the government he would withdraw his motion.²²³

MR. EGAN now asked to be allowed to say a few words, and entered into some explanation, the effect of which, was to show that the government on the 5th June last by official notice in the Gazette, ordered that all timber cut on the waste lands of the Crown should be levied according to actual contents in feet as determined by the Culler's specification in Quebec, or other place of exportation. As this change was increasing the charge on Red Pine, to the extent of from 1s. to 1s. 3d. those interested remonstrated. Previous to the latter change all Red Pine was counted dutiable at 38 feet per stick, such as averaged from 50 to 55 feet had to pay at the rate of 1d. per foot extra, which is about £50 more than former duty on each raft; the charge made by the government in the way of reduction amounts in reality to about $\frac{1}{2}$ d. per foot, instead of $\frac{1}{2}$ d. and this had been all in the favor of the producers and not to the prejudice as stated by the hon. member from Toronto, who supposed it was to the advantage of the purchaser. The reduction was prayed for long since, and was consequent on the reduction of the duty on foreign imported [goods] into Great Britain, which had to a great extent shut out of that market the Canadian production, which labours under a high rate of freight, and a more expensive cost of production, the object of the government being to assist the colonial producer under the circumstances rather than the article of Red Pine ... [being] driven out of the home market.²²⁴

MR. BOULTON expressed himself satisfied with the explanation.²²⁵

The subject was dropped.²²⁶

FOOTNOTES: 20 OCTOBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BRITISH COLONIST, 29 October 1852. The debate was also reported by GLOBE, 30 October 1852.
2. GLOBE, 30 October 1852.
3. MORNING CHRONICLE, 22 October 1852.
4. GLOBE, 30 October 1852.
5. MORNING CHRONICLE, 22 October 1852.
6. GLOBE, 30 October 1852.
7. MORNING CHRONICLE, 22 October 1852.
8. GLOBE, 30 October 1852.
9. MORNING CHRONICLE, 22 October 1852.
10. GLOBE, 30 October 1852.
11. MORNING CHRONICLE, 22 October 1852.
12. GLOBE, 30 October 1852.
13. MORNING CHRONICLE, 22 October 1852.
14. GLOBE, 30 October 1852.
15. MORNING CHRONICLE, 22 October 1852.
16. GLOBE, 30 October 1852.
17. IBID.
18. MORNING CHRONICLE, 22 October 1852.
19. GLOBE, 30 October 1852.
20. IBID.
21. MORNING CHRONICLE, 22 October 1852.
22. GLOBE, 30 October 1852.
23. MORNING CHRONICLE, 22 October 1852.
24. GLOBE, 30 October 1852.
25. IBID.
26. MORNING CHRONICLE, 22 October 1852.
27. GLOBE, 30 October 1852.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. MORNING CHRONICLE, 22 October 1852.
34. GLOBE, 30 October 1852.
35. MORNING CHRONICLE, 22 October 1852.
36. GLOBE, 30 October 1852.
37. IBID.
38. GLOBE, 30 October 1852, reported a division of 37 to 3. The following papers reported that "the motion was ... lost 50 to 3": MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BRITISH COLONIST, 29 October 1852.
39. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BRITISH COLONIST, 29 October 1852. The debate was also reported by GLOBE, 30 October 1852.

40. GLOBE, 30 October 1852.
41. MORNING CHRONICLE, 22 October 1852.
42. IBID.
43. GLOBE, 30 October 1852.
44. MORNING CHRONICLE, 22 October 1852.
45. GLOBE, 30 October 1852.
46. MORNING CHRONICLE, 22 October 1852.
47. GLOBE, 30 October 1852.
48. MORNING CHRONICLE, 22 October 1852.
49. The following papers reported the debate on this matter in identical accounts:
MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23, 25 October 1852,
PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR
DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, BRITISH
COLONIST, 29 October 1852, NORTH AMERICAN WEEKLY, 2 November 1852, and NORTH
AMERICAN SEMI-WEEKLY, 4 November 1852; BRITISH COLONIST, 22 October 1852,
BRITISH WHIG, 22 October 1852, HAMILTON SPECTATOR DAILY, 22 October 1852,
MONTREAL GAZETTE, 22 October 1852, PILOT, 22 October 1852, GLOBE, 23 October
1852, EXAMINER, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852,
BATHURST COURIER, 29 October 1852, and OTTAWA CITIZEN, 30 October 1852. The
debate was also reported by: GLOBE, 2 November 1852. The debate was also
reported by: GLOBE, 2 November 1852 (which also contained a commentary);
JOURNAL DE QUEBEC, 23 October 1852; and L'AVENIR, 27 October 1852 (which also
contained a commentary). The debate was noted by LA MINERVE, 23 October
1852.
50. MORNING CHRONICLE, 22 October 1852.
51. LA MINERVE, 23 October 1852.
52. MORNING CHRONICLE, 22 October 1852.
53. IBID.
54. IBID.
55. IBID.
56. MORNING CHRONICLE, 22 October 1852. JOURNAL DE QUEBEC, 23 October 1852,
reported 3:30 rather than 3:15.
57. JOURNAL DE QUEBEC, 23 October 1852.
58. MORNING CHRONICLE, 22 October 1852.
59. JOURNAL DE QUEBEC, 23 October 1852.
60. MORNING CHRONICLE, 22 October 1852.
61. JOURNAL DE QUEBEC, 23 October 1852.
62. MORNING CHRONICLE, 22 October 1852.
63. IBID.
64. IBID.
65. JOURNAL DE QUEBEC, 23 October 1852.
66. MORNING CHRONICLE, 22 October 1852.
67. JOURNAL DE QUEBEC, 23 October 1852.
68. MORNING CHRONICLE, 22 October 1852.
69. IBID.
70. IBID.
71. IBID.
72. JOURNAL DE QUEBEC, 23 October 1852.
73. MORNING CHRONICLE, 22 October 1852.
74. JOURNAL DE QUEBEC, 23 October 1852.
75. MORNING CHRONICLE, 22 October 1852.
76. JOURNAL DE QUEBEC, 23 October 1852.
77. MORNING CHRONICLE, 22 October 1852.
78. IBID.
79. IBID.

80. GLOBE, 2 November 1852.
81. MORNING CHRONICLE, 22 October 1852.
82. GLOBE, 2 November 1852.
83. MORNING CHRONICLE, 22 October 1852.
84. GLOBE, 2 November 1852.
85. MORNING CHRONICLE, 22 October 1852.
86. GLOBE, 2 November 1852.
87. JOURNAL DE QUEBEC, 23 October 1852.
88. GLOBE, 2 November 1852.
89. MORNING CHRONICLE, 22 October 1852.
90. GLOBE, 2 November 1852.
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103. MORNING CHRONICLE, 22 October 1852.
104. GLOBE, 2 November 1852.
105. MORNING CHRONICLE, 22 October 1852.
106. GLOBE, 2 November 1852.
107. IBID.
108. MORNING CHRONICLE, 22 October 1852.
109. GLOBE, 2 November 1852.
110. MORNING CHRONICLE, 22 October 1852.
111. GLOBE, 2 November 1852.
112. IBID.
113. MORNING CHRONICLE, 22 October 1852.
114. GLOBE, 2 November 1852.
115. MORNING CHRONICLE, 22 October 1852.
116. GLOBE, 2 November 1852.
117. MORNING CHRONICLE, 22 October 1852.
118. GLOBE, 2 November 1852.
119. MORNING CHRONICLE, 22 October 1852.
120. GLOBE, 2 November 1852.
121. MORNING CHRONICLE, 22 October 1852.
122. IBID.
123. IBID.
124. GLOBE, 2 November 1852.
125. MORNING CHRONICLE, 22 October 1852.
126. GLOBE, 2 November 1852.
127. MORNING CHRONICLE, 22 October 1852.
128. GLOBE, 2 November 1852. The ellipsis represents illegible words.
129. GLOBE, 2 November 1852.
130. MORNING CHRONICLE, 22 October 1852.
131. GLOBE, 2 November 1852.
132. MORNING CHRONICLE, 22 October 1852.
133. GLOBE, 2 November 1852.
134. IBID.
135. MORNING CHRONICLE, 22 October 1852.

136. GLOBE, 2 November 1852.
137. IBID.
138. IBID.
139. MORNING CHRONICLE, 22 October 1852.
140. MONTREAL GAZETTE, 22 October 1852.
141. MORNING CHRONICLE, 22 October 1852.
142. IBID.
143. IBID.
144. GLOBE, 2 November 1852.
145. MORNING CHRONICLE, 22 October 1852.
146. GLOBE, 2 November 1852.
147. MORNING CHRONICLE, 22 October 1852.
148. GLOBE, 2 November 1852.
149. MORNING CHRONICLE, 22 October 1852.
150. GLOBE, 2 November 1852.
151. MORNING CHRONICLE, 22 October 1852.
152. GLOBE, 2 November 1852.
153. MORNING CHRONICLE, 22 October 1852.
154. GLOBE, 2 November 1852.
155. MORNING CHRONICLE, 22 October 1852.
156. GLOBE, 2 November 1852.
157. MORNING CHRONICLE, 22 October 1852.
158. GLOBE, 2 November 1852.
159. MORNING CHRONICLE, 22 October 1852.
160. GLOBE, 2 November 1852.
161. MORNING CHRONICLE, 22 October 1852.
162. IBID.
163. GLOBE, 2 November 1852.
164. MORNING CHRONICLE, 22 October 1852.
165. GLOBE, 2 November 1852.
166. MORNING CHRONICLE, 22 October 1852.
167. GLOBE, 2 November 1852.
168. MORNING CHRONICLE, 22 October 1852.
169. GLOBE, 2 November 1852.
170. MORNING CHRONICLE, 22 October 1852.
171. GLOBE, 2 November 1852.
172. MORNING CHRONICLE, 22 October 1852.
173. IBID.
174. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, BRITISH COLONIST, 29 October 1852, GLOBE, 30 October 1852, NORTH AMERICAN SEMI-WEEKLY, 5 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852. The debate was also reported by: JOURNAL DE QUEBEC, 23 October 1852; and LA MINERVE, 23 October 1852. The following papers noted the debate in identical accounts: BRITISH COLONIST, 22 October 1852, BRITISH WHIG, 22 October 1852, HAMILTON SPECTATOR DAILY, 22 October 1852, MONTREAL GAZETTE, 22 October 1852, PILOT, 22 October 1852, GLOBE, 23 October 1852, EXAMINER, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, BATHURST COURIER, 29 October 1852, and OTTAWA CITIZEN, 30 October 1852. A commentary appeared in L'AVENIR, 27 October 1852.
175. BRITISH COLONIST, 29 October 1852.
176. IBID.
177. IBID.
178. IBID.
179. IBID.
180. IBID.

181. IBID.
182. IBID.
183. IBID.
184. IBID.
185. IBID.
186. IBID.
187. IBID.
188. IBID.
189. IBID.
190. IBID.
191. IBID.
192. IBID.
193. IBID.
194. IBID.
195. IBID.
196. The following incomplete report appeared in LE PAYS, 25 October 1852, as a notice of motion and has been omitted from this appendix: "M. EGAN [donna avis que] vendredi prochain [il ferait motion] que la chambre se forme en comité général pour prendre en considération les résolutions suivantes:".
197. LE PAYS, 25 October 1852.
198. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
199. LE PAYS, 25 October 1852.
200. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
201. The following papers reported this question and answer in identical accounts: GLOBE, 21 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, MONTREAL GAZETTE, 21, 23 October 1852, PILOT, 21, 25 October 1852, BRITISH COLONIST, 22, 29 October 1852, MORNING CHRONICLE, 22 October 1852, OTTAWA CITIZEN, 23 October 1852, QUEBEC GAZETTE, 25 October 1852, EXAMINER, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BATHURST COURIER, 29 October 1852. This matter was also reported by GLOBE, 30 October 1852.
202. GLOBE, 30 October 1852.
203. IBID.
204. The following papers reported this question and answer in identical accounts: MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BRITISH COLONIST, 29 October 1852. This matter was also reported by: MORNING CHRONICLE, 21 October 1852; and GLOBE, 30 October 1852.
205. GLOBE, 30 October 1852.
206. IBID.
207. MORNING CHRONICLE, 22 October 1852.
208. GLOBE, 30 October 1852.
209. IBID.
210. The exchange on this question and answer was reported by GLOBE, 30 October 1852. The following papers noted this matter in identical accounts: MORNING CHRONICLE, 21, 22 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, BRITISH COLONIST, 29 October 1852, and LA MINERVE, 23 October 1852; GLOBE, 21 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852, BRITISH COLONIST, 22 October 1852, OTTAWA CITIZEN, 23 October 1852, EXAMINER, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BATHURST COURIER, 29 October 1852. L'AVENIR, 27 October 1852, contained the following commentary: "Les faux réformistes du ministère actuel jouent à qui mieux mieux pour amuser la chambre et l'opinion

publique sur les plus importantes questions sociales et politiques du jour. La tenure seigneuriale ne parait pas les fatiguer bien fort, car voilà près de deux mois et demi qu'ils retiennent les représentants en session et cependant le public ne connaît encore rien de leur intention. La chambre n'a pas encore devant elle le projet ministériel, et ce qui est encore plus scandaleux, le ministère n'a pas encore daigné soumettre [sic] à la chambre la dépêche de nos maîtres de Downing Street sur ce sujet, dépêche que la chambre a demandé depuis longtemps et qui est attendue avec impatience par tous ceux qui se sont occupés de cette importante question. Pour quelle raison retient-on cette dépêche cachée? Pourquoi n'avoir pas encore soumis au parlement un document qui pouvait être imprimé et livré aux représentants dans les quarante-huit heures au plus, probablement? Il semblerait que nos ministres s'exercent à trainer les affaires en longueur.

Craint-on que cette dépêche ne vienne peindre encore une fois la beauté du gouvernement bâtard du Canada et faire voir au grand jour toute la duperie du système actuel de responsabilité? Craint-on que le public sache trop tôt qu'elle [sic] influence a pu exercer sur le bureau colonial un homme perdu de réputation comme homme public, tel que M. le seigneur Gagy? Ou que craint-on?

Nous craignons fort pour la cause des censitaires que rien ne se fasse durant la présente session, et la manière nonchalante avec laquelle le ministère fait semblant d'aborder le sujet est bien propre à le faire croire. Le paresseux procureur général n'a pas encore fait connaître son projet de loi quoique tout nous dit qu'il est semblable à celui de l'an dernier, chose qui n'est guère probable, car il aurait, dans ce cas pu en frire [sic] imprimer une seconde édition promptement et sans grand trouble. Loin de là, il fait amuser la chambre par ses amis. La dernière petite scène à ce sujet a eu lieu la semaine dernière. On sait que le bill en blanc du paresseux procureur général avait été présenté avec l'entente qu'il serait lu une seconde fois le 19 octobre. Le jour arrivé, M. Drummond n'avait pas même rédigé son bill et notre procureur ne parut pas en chambre. Son ami, M. Sicotte interpella le ministère (par forme bien entendu) pour savoir si c'était son intention de presser la passation de cette mesure durant la présente session. M. Hincks, le factotum de l'administration, se leva et répondit que 'C'était l'intention du ministère [sic] de faire passer la mesure durant la présente session.'"

211. GLOBE, 30 October 1852.

212. IBID.

213. The following papers reported the exchange on this withdrawn motion in identical accounts: MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BRITISH COLONIST, 29 October 1852; GLOBE, 21 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852, BRITISH COLONIST, 22 October 1852, OTTAWA CITIZEN, 23 October 1852, EXAMINER, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852 (in a separate account), and BATHURST COURIER, 29 October 1852. The matter was also reported by GLOBE, 30 October 1852.

214. GLOBE, 30 October 1852.

215. IBID.

216. IBID.

217. MORNING CHRONICLE, 22 October 1852.

218. GLOBE, 30 October 1852.

219. MORNING CHRONICLE, 22 October 1852.

220. The following papers reported the debate on this withdrawn motion in identical accounts: MORNING CHRONICLE, 22 October 1852, MONTREAL GAZETTE, 23 October

1852, PILOT, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, HAMILTON SPECTATOR DAILY, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BRITISH COLONIST, 29 October 1852; GLOBE, 21 October 1852, HAMILTON SPECTATOR DAILY, 21 October 1852, MONTREAL GAZETTE, 21 October 1852, PILOT, 21 October 1852, BRITISH COLONIST, 22 October 1852, OTTAWA CITIZEN, 23 October 1852, EXAMINER, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 28 October 1852, and BATHURST COURIER, 29 October 1852. The debate was also reported by GLOBE, 30 October 1852. It was noted by MORNING CHRONICLE, 21 October 1852.

221. GLOBE, 30 October 1852.

222. IBID.

223. MORNING CHRONICLE, 22 October 1852.

224. QUEBEC GAZETTE, 25 October 1852.

225. GLOBE, 30 October 1852.

226. IBID.

THURSDAY, 21 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Gamble,--The Petition of William Henry Beresford, of the City of Toronto, Esquire, late a Captain in the Rifle Brigade, by his Attorney Clarke Gamble.

By Mr. Langton,--The Petition of George B. Hall, Esquire, and others, of Peterborough East; and the Petition of Charles Perry and others, of Peterborough.

By the Honorable Mr. Morin,--The Petition of John Gale, boatman, and Ellen Keenan, his wife, of the City of Quebec.

By Mr. Mattice,--The Petition of John Johnston and others, of the Township of Cornwall.

By the Honorable Mr. Macdonald,--The Petition of the Commercial Bank of the Midland District.

By the Honorable Mr. Badgley,--The Petition of Peter Fleming, Civil Engineer.

By Mr. White,--The Petition of the Municipality of the Township of Nassagaweya.

By Mr. Hartman,--The Petition of Daniel Shoff and others, Inhabitants of Upper Canada.

By the Honorable Mr. Attorney General Drummond,--The Petition of Moses Seigler and others, Ojibwa, Oneida, and Munsee Chiefs and Indians, residing on the River Thames.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 11th instant, for copies of all the transactions, sales or contracts which may have taken place between the Executive Government and private individuals or companies, connected with the alienation of the St. Maurice Forges, and of the Fiefs of St. Maurice and St. Etienne; as also, of all claims, proportions or representations made to Government since the said alienation, by the present owners of the said properties, or by other parties; of the decision of the Government thereupon, and of all Returns and Reports made to Government respecting these properties or the claims above mentioned.

For the said Return, see Appendix (C.C.C.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 31st August last, for a List of all persons employed under the Office of Crown Lands, both within and without the said Office, including the Agents of the Seigniories belonging to the Crown in Lower Canada, shewing their names, profession, residence, the nature of their duties respectively, their yearly stipend, and the sums allowed to them for contingent expenses, or the cases in which they receive a per centage on the sums which they collect, what extent of Land each local Agent has under his management, and the date of their appointment to office respectively.

For the said Return, see Appendix (D.D.D.)

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Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 11th instant, for a Statement shewing the amount received annually from the various Municipalities in Upper Canada, towards the maintenance, erection, and support of the Lunatic Asylum, under the Act authorizing a Tax for that purpose, until the formation of the Upper Canada Building Fund, and from the formation of such Fund to the 1st July last, with a detailed Statement of the expenditure of all monies under either of the above Acts, the amount of money borrowed upon the security of the said Funds, and the sums remaining due and unpaid by the different Municipalities on account of the said Fund or either of them.

For the said Return, see Appendix (E.E.E.)

Pursuant to the Order of the day, the following Petitions were read:--

Of Paul Robins and others, Bible Christians, of Darlington; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service.

Of the Municipality of the Township of Manvers; praying for the passing of an Act to amend "The Railway Clauses Consolidation Act," so as to enable Municipal Corporations to subscribe for Stock in Railway Companies, whether incorporated before or after the passing of the said Act, and to raise Loans therefor, or otherwise to provide relief with reference to the Peterborough and Port Hope Railway.

Of Joseph Delisle and others, of the Banlieue of Quebec, Electors; praying for the passing of the Bill to explain part of a certain Act therein mentioned, and to define what persons shall have the right to vote at the Election of Members of the Legislative Assembly to represent the Cities of Quebec, Montreal, and the Town of Three Rivers.

Of John Gilmour, Esquire, and others, Members of the Board of Trade of Quebec; praying that the Bill to explain and remove doubts as to the construction of the Act authorizing parties to sue and defend Causes in formā pauperis before the Courts of Law in Lower Canada, may not pass into Law.

Ordered, That the Petition of the Municipality of the Township of Manvers, be referred to the Standing Committee on Railroads, Canals, and Telegraph lines.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act extending the powers of the British America Fire and Life Assurance Company on Marine Assurance,--the Bill to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned,--the Bill to amend the Act incorporating the Provincial Mutual and General Insurance Company of the City of Toronto,--and the Bill to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-laws for the better government of that part of the said Township which lies in the immediate vicinity of the Falls of Niagara; and to each of the said Bills Your Committee have made certain amendments, which they respectfully submit for the consideration of Your Honorable House.

Your Committee have also examined the Bill from the Legislative Council, intituled, "An Act to legalize and continue the Municipal Corporation of the Township of Torbolton," and have agreed to report the same without any amendment.

Ordered, That the Bill from the Legislative Council, intituled, "An Act to legalize and continue the Municipal Corporation of the Township of Torbolton," be read the third time To-morrow.

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On motion of Mr. Street, seconded by Mr. McDougall,

Ordered, That the Select Committee on the Prince Edward Election Petition, have leave to adjourn from To-morrow until Tuesday the 9th day of November next, on account of the urgent private business of one of its Members, and in consequence of the Petitioners not being as yet prepared to proceed with their complaint.

Ordered, That the Bill to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to amend the Act extending the powers of the British America Fire and Life Assurance Company on Marine Assurance, as reported from the

Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Bill to amend the Act incorporating the Provincial Mutual and General Insurance Company of the City of Toronto, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

On motion of Mr. Smith of Durham, seconded by Mr. Fergusson,

Ordered, That the Report of the Select Committee to which was referred the Petition of John K. Roche, of the Town of Port Hope, and another reference, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dubord reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

The Serjeant-at-Arms attending this House, informed the House, that he had taken Edward Short, Esquire, into his custody.

Whereupon Mr. Sanborn stated, that he was desired by Mr. Short to express his sorrow for the inconvenience he had caused the House and the Parties by his absence, on account of urgent business, from the Committee appointed to try the matter of the Kamouraska Election Petition.

On motion of Mr. LeBlanc, seconded by Mr. Sanborn,

Ordered, That Edward Short, Esquire, be discharged out of custody.

Ordered, That Mr. Sanborn have leave to bring in a Bill to amend the Law of Patents for Inventions.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Langton have leave to bring in a Bill to provide for the recovery of the rates and taxes intended to be imposed by certain By-Laws of the late District Councils in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

Ordered, That Mr. Jobin have leave to bring in a Bill to amend a certain Act

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passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada."

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendments; viz:--

Bill, intituled, "An Act to detach, for Judicial purposes, the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annex the same to the District of Kamouraska:"

Bill, intituled, "An Act to repeal the Acts therein mentioned, and to improve the Law of Evidence in Upper Canada."

And then he withdrew.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill to amend and consolidate the several Acts for the construction of Plank and other Roads by Joint Stock Companies in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

MR. BOULTON¹ moved an address to His Excellency for copies of certain Correspondence on the subject of Local Improvements, and relative to the reduction of Crown Lands in the County of Huron and also, for a statement relative to the Fund formed for Roads or other purposes, by the appropriation of 4s. 6d. per acre on Crown Lands. He said he had been unable to elicit from the government any information upon this subject, when he had asked for it some time ago, and he therefore, sought now to elicit the information which he required relative to the intentions of the government in reference to certain public improvements in an important section of the Country. It appeared from the Huron Signal, a paper supposed to advocate the interests of the Government that the hon. M. Cameron when engaged in showing the great things he was going to do for the country, made a speech to his constituents, which he would read. It was headed MR. CAMERON'S EXPLANATION, and appeared in a letter from a correspondent. (This letter stated that Mr. Cameron had promised to use his influence to obtain the roads in question, and to appropriate thereto 4s. 6d. per acre of the sale of public lands.) Now that he assumed to be correct statement, and either the correspondence with Dr. Rolph had taken place for the purpose of influencing the electors, or else the whole thing was a fabrication. But he could not believe the latter supposition to be true. Then the correspondence was real, but what were the facts? The law clearly appropriated the whole proceeds of the public lands, first to pay the expenses of the department, next to create a school fund of £100,000 per year. Then he asked for the correspondence which took place between these two public officers, by which something was held out to influence the electors, which it was impossible to carry out. Well but supposing it could be explained that this money could be thus appropriated, he would then want to know how much this 4s. 6d. per acre would amount to. Why it would according to his estimate, come to £25,000 on the lands which had been sold, or \$1,000,000 on the whole of the lands in the three united counties of ... [Perth], Bruce, and Huron. He would like to know what any man could want more than ... that to carry his election in any rural District. The hon. gentleman was no doubt a first rate electioneerer, but he had no right to adopt this means of electioneering. It could not be said that this was a private correspondence. No one could pretend that a mere correspondence between two private members of the government could be used to indicate the views of heads of department. Under these circumstances, he thought his application must be gronted [sic].²

MR. INSP. GEN. HINCKS could not say that he was surprised at the motion of the member for Toronto, after the experience of the present session; but it would be admitted, he said, by members that it was³ certainly a most extraordinary course⁴ for a member to stand up and ask for copies of correspondence, which he must know, if it existed at all, that it must be of a strictly confidential character. The member for Toronto had referred to himself on this occasion: he could only say, that as far as he was concerned that it would be impossible by any means that could be devised, to obtain a copy of any corres-... that he had written to the President of the Council, in answer to a letter from him, but as it was in confidence, he had never kept a copy, and consequently there was no means by which it could be produced. The whole motion, he said,⁵ was based on the false assumption that the government intended to do something contrary to the law⁶ and the only ground for an address, is founded upon a supposition that the Government intends to open roads without the authority of Parliament. He would tell the hon. gentleman distinctly, that it never was the intention of the Government to do anything of the kind. He

had no hesitation in stating, that Government were desirous that a portion of the public money shall be appropriated to opening roads; but it is the intention of the government to come down to the House, and ask for its support. Nothing would be more monstrous, than this attempt to obtain private information, which is equivalent to forming the House into an Inquisition. Were they to be told that, when the members of the government are separated from each other, that they should not correspond with each other as to their opinions on any particular subject; as well might the House ask to know what takes place at the Council board. The proposition was one which he was satisfied would not have originated with any other member of the House. He considered the course of the member for Toronto as unjustifiable, and which could not be sustained by any kind of argument. The Government, of course, are responsible for any proposal they may make. They had not yet brought any down, but it is their intention during the present session, to propose to expend a certain part of the money for which lands are sold, in opening up roads. He concluded by saying, the motion ought not to be assented to, as it would lead to embarrassment if such information could be called for.⁷

MR. ROBINSON said he should be sorry to ask for that which was improper, but the reply of the Inspector General, was such as rendered it necessary to vote for the resolution. He had admitted that which was highly improper, having taken place, and which gave the member for Huron an advantage over any other candidate. The Inspector General says the correspondence was of a strictly confidential character, but⁸ such correspondence on the eve of an election was an unheard of use of government power to overcome an honorable opponent, who had not these advantages.⁹ It was not denied that the price of¹⁰ wild lands¹¹ had been lowered, at a time when it was unnecessary, owing to the reasonable terms at which lands were disposed of in the County of Huron. The correspondence alluded to, he said, ought never to have taken place, and the House ought to pass a resolution to prevent a repetition.¹² The hon. Inspector General said that to vote for the motion would put a stop to communications of this sort between colleagues--well he wanted to put a stop to them. They were most improper. If the request as was said, was unprecedented, so he hoped was the correspondence. It was especially bad as coming from persons who had all their lives been accusing their opponents of corruption.¹³

MR. PRES. EX. COUN. CAMERON, after expressing his acknowledgement to the member for Toronto,¹⁴ for the care he found time to bestow upon Huron, considering the great pains he took with so many other parts of the country¹⁵, and alluding to the variety of subjects to which he had invited enquiry, said, in reply to a remark of Mr. Boulton, that he did not correspond with a servant, as had been represented, but with an old friend, a respectable merchant.¹⁶ The hon. member had first of all said that he had written an address or made a speech containing the statement alluded to. Now they were made in neither; but in a conversation with a few constituents.¹⁷ Instead of an address with his (Mr. C's) name appended, it now turns out that the statement referred to, is that of a correspondent to the Huron Signal, who says he was present when the conversation alluded to, took place. He believed there was nothing unusual for electors to meet and talk over the matters of the county with their representatives. The gentleman ought to have known that all the wild lands in the county of Huron belong to the Canadian Land Company; but a million of acres at the north¹⁸ [OR] some in ... [Perth] and Bruce, where, however there were no polls opened¹⁹ had been set apart, which sold at prices varying from eight shillings to twelve and sixpence and fifteen shillings. The consequence was, that intended settlers were driven to Michigan, where land could be obtained at six and threepence, per acre. The subject had been brought under the consideration of Government, and the price had been reduced. The member for Simcoe ought to recollect, that while the lands were reduced in Huron to ten shillings, they were sold in his county at eight. The price had been reduced all over the country.²⁰ At the period

when he made these observation[s] to his constituent[s] it had all been arranged, in consequence of representations he had made after the general election when he was, if not in opposition, at least not quite satisfied with the course of the government. There was no occasion for him to exert [sic] improper influence on the occasion in question, for he had fought the battle and won it three months before, when opposed by Mr. Cayley.²¹ He referred gentlemen to the addresses of Mr. Cayley who promised to get bridges, while he (Mr. C.) told them he could not get money for local improvements; and that the only plan in his opinion would be to get part of the price of lands appropriated to the opening of roads in thinly settled districts, which he believed would not be opposed. His exertions to establish post routes, could not be objected to, and had nothing to do with the election²². The road in Huron too had long been promised. These motions²³ of the member for Toronto²⁴ were only intended to obstruct the government and throw dirt in order that some might stick²⁵ and to prevent their getting measures before the country, by delaying the business of the session.²⁶

MR. MACKENZIE said he did all he could to promote the election of the member for Huron, but he did not see why he should refuse information which it was not incompatible with the public service to communicate. It was the course that was continually pursued by the Government. When information was asked with reference to the expenditure of the Indian department, they were told it was under the control of the Governor General; and when he applied for information last session, he was left in a small minority. This opposition to communicating information, came from the wrong side of the House. The member for Huron had said the motion was a trick to impede the business of the country; and told the House it would be embarrassing the Government to call for the correspondence alluded to. He had never before heard such an excuse for not giving information. There was a large tract of country between the Huron and Ottawa, to which the Commissioner of Crown Lands ought to have turned his attention. That might be settled with thousands of immigrants; and yet nothing was done to promote the settlement. The question as to the reduction of the price of land, he said, was a very important one. They were in the third month of the session, and when a member asked for information, he was told his object was to embarrass the Government and obstruct the public business.²⁷

MR. COM. CR. LANDS ROLPH said, whenever the member for Haldimand addressed the House, he was so discursive, that a member rising to reply, was obliged to speak to half-a-dozen subjects; and the member for Haldimand could not discuss this question, without referring to him. If he (Dr. R.) chose to go back to the money-hunting expeditions of the hon. member, he would blush at the recital. When a member, as vulnerable as he was, rises to criminate others, he deserves retaliation. He said, however, he should forbear. He must remark, however, that the member for Haldimand speaks for hours, certainly not to the purpose, and was so discursive, that it was impossible to say what was the subject under consideration. Had it not been for this waste of time, for which the member for Haldimand was responsible, the House would have been half-way through with the business of the Session. As to the allowance which he received, as Commissioner of Crown Lands, on the removal of the seat of government, to which allusion had been made, he would refund all he had obtained, if the member for Haldimand would do the same, who had received a considerable sum, and was not yet satisfied, but wanted more. He also accuses the Government of having done nothing for colonization and the settlement of the country. Since he (Mr. R.) had been in the Government, he had done everything that could be done, without an act of Parliament, to promote these objects. A system, however, had been determined upon; and it had been determined, with the concurrence of the House, to open roads where most needed by actual settlers. When the member for Haldimand addressed the House, his speeches

are marked with the same vituperation which had marked his conduct when he (Mr. R.) had the misfortune to be with him in the House in former times; and every individual who acted with him in those days, had the same feeling and the same regret, with reference to his conduct. The object of the Government, the hon. gentleman said, was to put down land speculation.²⁸ Dr. Rolph ... claimed credit for having introduced a new system of land granting, which, at once, put a stop to all jobbing and speculation, and also for similar improvements in the timber department.²⁹ By the improvements which had been effected, with reference to the timber trade, a saving had already been made³⁰ as he learned, by letters that day, amounting probably to £15,000.³¹ The conduct of the member for Haldimand, he said, did him more harm than he was aware of, and is unworthy of him, and of the party to which he belongs. Then, as to the main question: in the first place, he must say, that he never saw the newspaper in which the matter referred to was published: and he could say, farther,³² coming to the correspondence spoken of in the motion, [that] he did not remember that he had ever had any such correspondence with his friend the President of the Council. But no doubt the price of land had been reduced, and reduced all over the Province, and he saw no impropriety in his hon. friends informing his constituents of a piece of general policy, which was not corrupt, inasmuch as it was general, and he had gone to particular men and offered them favours that would have been corrupt; but there was no corruption in what applied to the whole province.³³ If the member for Huron had said he believed that a reduction in the price of land would take place, he did not see why he should not do so; or if he stated that a portion of the monies derived from the sale of lands would be expended in opening up new roads, he saw no impropriety in his doing so. Lord Palmerston, when a similar charge was brought against him, said, that if it were not permitted to a public man to converse upon subjects of a public nature, the effect would be to prohibit all social intercourse. The President of the Council, he said, in conclusion, had said nothing more than an honourable man had a right to say.³⁴

MR. MACKENZIE claimed the right to reply, which on the motion of MR. CAUCHON was granted on division.³⁵

MR. MACKENZIE, having obtained leave to reply, said he wished to advert to a few of the remarks that had fallen from the member for Norfolk. They had both been before the country, he said, for thirty years; and when that gentleman came forward in the hope of being chief magistrate for Toronto, he was not the successful candidate, and had been rejected. With reference to the statement that he (Mr. M.) was mercenary³⁶, no one in Upper Canada, who knew him, would accuse him of that³⁷ ... a stigma that did not attach to his name. But the member for Norfolk had said, that he seldom influenced a majority or carried a measure for the redress of a wrong. When the party with which he was connected in Upper Canada, took another mode to effect this, formerly, long before he (Mr. M.) crossed to the other side, the member for Norfolk had shown a clean pair of heels,³⁸ in time of danger, long before he (Mr. McKenzie) thought of doing so³⁹, and was reposing in security at Lewiston, when he, and the others with him were contending for their lives in Canada. He would not have made these remarks had it not been for the allusion of the Commissioner of Crown Lands.⁴⁰

MR. COM. CR. LANDS ROLPH said in the election for Alderman at Toronto, on the occasion alluded to, he received the votes of every party except one, and was to have been Mayor,--the member for Haldimand having declared that he would not take the situation, if it were offered to him⁴¹, that he, Dr. Rolph, ought to be mayor. The election went on and he (Dr. R.) had the mayoralty; but when some of the friends of the hon. member for Haldimand applied to him and said that Mr. McKenzie wanted to be mayor, he at once resigned, for he did not want to be mayor. He was glad, too, that he was not mayor rather than ... that he

should have had like the hon. member, to put women into the stocks and insult American citizens. As to pecuniary matters, whed [sic] the hon. member went home, if he did not go at the public treasury he did at that of his friends. As to the other matter--the troubles--he hoped still to do business with his friends opposite⁴² who he was convinced, were not displeased with the course he had pursued when formerly a member of that body,⁴³ with courtesy, like that they had shown to him, and he would not refer to it now. Another hon. member had insinuated that his former course in Parliament had not been so courteous as it should have been. He could reply that in these days the discussions in the House were carried on with much more⁴⁴ dignity and decorum than at present. He regretted that on the present occasion, he had been induced to make a personal allusion. In all the heat of debate⁴⁵ he had never lost a conservative friend from what took place in the House, and had never employed so much personal correction as he had to do that night.⁴⁶

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Mr. Boulton moved, seconded by Mr. Dixon, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, copies of all Correspondence that has passed, since the 1st day of October, 1851, between the Honorable Malcolm Cameron and the Honorable John Rolph, Commissioner of Crown Lands, the Honorable Francis Hincks, Inspector General, and the Honorable James Morris, Post Master General, and any other Member of the Government, or either of them, on the subject of the opening or improvement of Roads, the erection of Piers and Light Houses or the establishment of Mail routes, in or through any part of the County of Huron; also, copies of all Correspondence relative to the reduction of the price of Lands in that County, or the appropriation of the portion of the sums received or to be received for the Public Lands towards the opening or making of such Roads or other improvements; and also, of all Correspondence with the Government or any Department of the Government, or subordinate Officer thereof, on the above subjects, or any of them; also, a Statement, shewing what would be the amount of the Fund formed for the purposes of Roads or otherwise, by the appropriation of 4s. 6d. per acre, on Crown Lands sold in the said County of Huron, if such appropriation took place, from the time the Land was raised to the price of 12s. 6d. per acre;--

Six o'clock having arrived, at which time the orders of the day are taken up, MR. BROWN suggested that the debate be postponed: and the House accordingly passed to other business.⁴⁷

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And it being Six o'clock in the afternoon; the Orders of the day were called.

And the Order of the day for the third reading of the Bill to provide by one general Law for the incorporation of Electric Telegraph Companies, being read;⁴⁸

The General Telegraph bill having been moved, MR. INSP. GEN. HINCKS availed himself of the opportunity to make an explanation, and trusted he would be indulged in making a statement of what had occurred since yesterday. Gentlemen were⁴⁹, of course⁵⁰, well aware of what took place on the discussion of the Railroad bill of last evening, and he should not discharge his duty if he did not state what had happened since. The discussion last evening, he said, had altered the position of the bill alluded to, and he had received⁵¹ an intimation that day ... [for] the first time that it was the intention of Mr. Jackson to leave the country on Saturday; so that there was not the same necessity to hasten the bill as before.⁵² Last evening he did not endeavour to push the measure, not supposing that that gentleman was going so soon. By the communication alluded to, he said, he had been relieved from a load of responsibility,⁵³ which he had incurred as a

minister of the crown towards Mr. Jackson⁵⁴ [and] which had pressed upon him for some time past, and had been discharged from all obligations with reference to the bill. In doing what he had done, he had taken what he had considered the best course, and one in which his colleagues had concurred. Mr. Jackson was satisfied that he had acted honourably⁵⁵. He considered that personally and as a minister of the crown, he was bound to carry out the arrangement he made with that gentleman, and he was prepared to leave the government if he could not carry it. He was now, however, entirely relieved [sic] from that responsibility.⁵⁶ (The ironical cheering on this announcement being made was tremendous.)⁵⁷ After consulting with his colleagues, and seeing what was the feeling of the House, the Government have no further desire to have anything to do with the bill whatever, and should treat it merely as one for the incorporation of a private company. He had not, however, altered his opinion in the slightest degree, but should cease to feel that interest as to the success of the measure, by which he has hitherto been actuated. He felt no particular interest in railroads, and cared as little whether they had them in Canada or not. He conceived it his duty, he said in conclusion, to state the facts in the House, and the subject is left for their consideration.⁵⁸

MR. J.A. MACDONALD was very happy to hear the announcement made by the Inspector General, that he will hereafter consider this subject on its own merits⁵⁹ and that the House would thus be left to its own judgment, on the merits or demerits of the measure before it⁶⁰. There was a great difficulty in the hon. gentleman's way before, for he seemed to consider himself bound by the arrangement made in England with Mr. Jackson, and he seemed to think that he must lose sight of the rights of the people of Canada. He was glad to learn, therefore, from the announcement of the Inspector General, that he was now in a position to devote all his energies, and all his splendid financial abilities, to the carrying out of this great project; and he was quite certain that the hon. gentleman would find that there are many members of the House just as anxious to see the material and physical prosperity of Canada promoted, as any member of the Government. He was glad, he repeated, to hear the announcement made, and yet he was⁶¹ nevertheless⁶² somewhat surprised at it. He was surprised to hear the hon. Inspector General announce, in such a solemn tone, that Mr. Jackson was going to leave Quebec on Saturday next. That gentleman might go on Saturday, or the Saturday after, just as it suited his own convenience. What difference did it make to⁶³ the House or to the people of Canada who knew their credit and their resources and what they were capable of effecting⁶⁴ whether he went or stayed?⁶⁵ He could not, he repeated, understand why this gentleman going home should be announced⁶⁶. There was a time, in the history of England, when it was held that a mention of the wishes of the Sovereign in the halls of the legislature, was a breach of the privileges of the House, and yet here the House is told in the most solemn tone that, in consequence of a debate which occurred last night, in consequence of the exercise by the members of the House of their privileges as representatives of the people, an English gentleman, who happened to be here, is going home! And then, in consequence of that gentleman having made up his mind to go home next Saturday, the Government discharges itself from all responsibility.⁶⁷

MR. INSP. GEN. HINCKS.--No.⁶⁸

MR. J.A. MACDONALD was glad that the House had received the permission of the Inspector General to do justice to the people of Canada,⁶⁹ though the permission came rather late⁷⁰, with a bad grace, and only after a determination had been evinced, in the debate of last night, to do justice. Well, then, the matter stood in such a position that when it comes up on Monday, the House will be at liberty to judge of it on its own merits.⁷¹ It was of great importance, too, to have a

railroad made and he had no doubt the credit of Canada was sufficient to secure that⁷². It is desirable that all the credit of Canada should be devoted to its construction.⁷³ He moreover would be very glad⁷⁴ to secure the assistance of the Inspector General's great abilities--abilities which he never denied to put the credit in the best light. Now that the hon. gentleman had got rid of the incubus which had weighed him down,⁷⁵ since he was released from the shackles which had lately confined him⁷⁶, he thought that the prospects of the country were infinitely more favourable than before.⁷⁷

MR. ROBINSON differed totally with the member for Kingston, and regretted very much the tone of his remarks. He confessed that his view with respect to Mr. Jackson, had undergone a considerable modification by the perusal of the correspondence between that gentleman and the Inspector General. He regretted that the correspondence had not been sent down early in the session, in compliance with his request; for until he had seen it, he was not aware that Mr. Jackson had come out to this country under a solemn engagement, made with the Inspector General, at the instance of the Government. He must say that, under all these circumstances, he thought Mr. Jackson had not been treated well. It must be recollected that he came out here in consequence of the arrangement made with the Inspector General; and that he did not come alone; but that he sent out an engineer, Mr. Ross, who had gone all over the Province, who had seen more of it, perhaps, than any legislator on the floor of the House, and had obtained a vast amount of information respecting the nature and resources of the country. For his own part, he did not believe that it would be possible to get the work done as promptly, or on such good terms, by any other parties.⁷⁸

MR. MURNEY thought that the remarks of the member for Kingston were scarcely fair. He could not understand the position of the bill at all. It was introduced by the hon. member for Verchères; the Government affirmed that they were not responsible for it⁷⁹ at all⁸⁰ and that it was not a Government measure; but there was a difficulty: some⁸¹ clauses in the general railway act⁸² stood in the way; it became necessary to remove them; who took the responsibility of that step? The Government. It was also asserted that there was no arrangement between Mr. Jackson and the Government: but now it leaked out for the first time, that that gentleman came out on their invitation. He would ask the Government this question. If they had invited Mr. Jackson out to this country for a great purpose, a noble purpose, so far as the interests of Canada are concerned, why did they not assume that responsibility from the very first? Why do they, at this moment, withdraw from the responsibility? If this measure is a great one, tending to advance the interests of Canada, what, he would like to know, had occurred to induce the Inspector General, with a face as long as his arm, to say that he withdrew from all responsibility? Nothing had occurred. The mere postponement of the measure until Monday, had not caused the loss of any of its friends. That measure will be carried as certainly as that hon. gentleman was for the moment Inspector General.--He trusted it would only be for the moment. But what had occurred, he would repeat, to induce the Inspector General to withdraw from all responsibility? He really felt grieved that that announcement should have been made, and trusted that the hon. gentleman would withdraw it; that he would look to the interests of Canada, and not to the interests of the individual whose name appears in the bill.⁸³ He trusted the charter would be passed and that if others would not help us, we should help ourselves.⁸⁴ He trusted that the Inspector General would aid in securing that charter. If not, they must try to do without him.⁸⁵

MR. YOUNG did not view this matter exactly in the same light as the Inspector General. If he were wrong, the hon. gentleman would correct him. He understood that Mr. Jackson was an English railroad contractor, and that an arrangement was

made with him while the Inspector General was in England, by which he was to come out to this country⁸⁶ to build the railroads⁸⁷. At the time, he (Mr. Y.) thought it was a very capital arrangement; but he understood that when Mr. Jackson came here, he was to tender for the works which were to be given out, and that if he were unsuccessful⁸⁸ would put the Government to no expense.⁸⁹ The Government was to re-imburse the amount of his expenses, and then they would be perfectly clear with him.⁹⁰ If this ... were not so, the Inspector General would correct him.⁹¹

MR. INSP. GEN. HINCKS was very much surprised at the appeal made to him by the member for Montreal, who seemed to have formed the most erroneous ideas with regard to the arrangement made with Mr. Jackson. As the appeal had been made to him, he would ask any one who had read the correspondence, to say whether it would bear the construction put on it by the member for Montreal?⁹² Let the hon. gentleman read the correspondence and judge for himself.⁹³ He would not pronounce an opinion on his own judgment: but he would ask any person of common sense to read the correspondence and say whether it was intended that Mr. Jackson should come and tender for the work with a whole parcel of other⁹⁴ ordinary contractors.⁹⁵

MR. YOUNG⁹⁶ never understood that a bargain was completed with Mr. Jackson and Company, by which all the railroads in Canada were to be placed completely under their control and he was strengthened in his opinion by the issue of the Government proclamation, giving the several charters effect, immediately after the return of the Inspector General from England. What was the object of giving force to these charters, if Mr. Jackson was to have all the roads⁹⁷ all to himself?⁹⁸ He understood that, after the charters were in existence, after the companies had advertised for tenders, Mr. Jackson was to come forward and compete for the work, and if his offers were accepted, as in all probability they would have been, that the Trunk Line would have been commenced at once. Such a system would have been advantageous to the public⁹⁹ [and] no loss to the country¹⁰⁰; but the other would have been a public injury, in his opinion.¹⁰¹

SIR A. MACNAB said it was always painful to him to differ with his hon. friend from Kingston for he had the greatest respect for that hon. gentleman's talent; and he believed it commanded the respect of the House, more particularly of that side of the House on which his hon. friend sat. He believed that the hon. gentleman, was actuated by fair and disinterested motives, but he certainly could not enter into the feelings of the hon. gentleman when he said that he rejoiced that a gentleman who came out to this country for the purpose of building our Railroads should be driven from it, without even receiving that respect which he was entitled to at the hands of the people. He could not rejoice that the prospect of getting our roads built was at an end.¹⁰² [He] did not think it fair to go into the details of the measure.¹⁰³ He could not envy the feelings of the member for Montreal in the view that he took of this matter. If he understood that correspondence aright, the Inspector General went to England to secure the means of completing the Railroads, and during the time that he was there, he was in constant communication with the Government of this country, and his conduct was approved throughout, while the member for Montreal, who was at the time in the government,¹⁰⁴ [and] who approved of all these proceedings in England was indirectly negotiating with persons in Montreal to take stock in the railroad¹⁰⁵ [OR] to take possession of the whole stock of the Montreal and Kingston road.¹⁰⁶

MR. YOUNG.--That is not the case. My name is not on the stock-book¹⁰⁷ and I have not the slightest connection with it.¹⁰⁸

SIR A. MACNAB.--Oh! It is not the same man! Not the same John Young!¹⁰⁹

MR. YOUNG had a nephew in Montreal; but his name, even, is not in the stock-book.¹¹⁰

SIR A. MACNAB was glad that he had mentioned the circumstance, and had thus given the hon. member an opportunity of making this explanation; for certainly it appeared to him most extraordinary. But he would say, that when the hon. member was in the Executive, it was his bounden duty to put the Government in possession of information respecting what occurred in Montreal.¹¹¹

MR. YOUNG said, that before joining the Government, he had been connected with the Kingston and Montreal Railroad Company.¹¹² He was one of the parties through whose exertions the Company was formed, and could not disinterest himself until the Government took action with respect to the charter. When the Government did take action, he dispossessed himself of all interest in the company, in the presence of the hon. member for Verchères. Since that time he had had no connection whatever with the company.¹¹³

SIR A. MACNAB was delighted that the hon. gentleman had cleared up all these points. Now, with respect to the bill, he was not prepared to say that he approved of all the details; but he desired to go on with it, and secure for the country such advantages as were to be expected from a connection with Peto, Betts, & Brassey, a railroad company which has constructed roads to the extent of £60,000,000.¹¹⁴ [He] thought the connection ... would be vastly advantageous.¹¹⁵

MR. J.A. MACDONALD so do I.¹¹⁶

SIR A. MACNAB he would ask the member for Kingston if it would not be an advantage to the country?¹¹⁷

MR. J.A. MACDONALD.--The greatest.¹¹⁸

SIR A. MACNAB then would be most happy to receive the hon. members support.¹¹⁹ [He] could not understand ... why the hon. gentleman resisted the bill. Others might be able to do so, but he could not do so.¹²⁰ He would not then go into the question of the conduct of certain persons in Montreal. When he did he would give his opinion for what it was worth.¹²¹

MR. J.A. MACDONALD said that it appeared to him that the¹²² hon. and gallant Knight¹²³ from Hamilton had completely forgotten the scope of his (Mr. McD's) remarks, and the origin of the discussion.¹²⁴ He had not expressed joy at Mr. Jackson's going home¹²⁵. The Inspector General got up and said that he would be wanting in his duty if he did not inform the House that Mr. Jackson was going home; he (Mr. McD.) said that it was a very important announcement.--The Inspector General had further said, that in consequence of the return of Mr. Jackson to England the Government was freed from all responsibility, and he (Mr. McD.) had said that he was glad of it, for the House would be able to judge of the question on its own merits instead of making use of the speculum which the Inspector General had formerly¹²⁶ held before their eyes.¹²⁷ The hon. gentleman had made an arrangement whilst in England, and whether that arrangement was good or bad, he felt shackled by it, and now he thought it was a matter of congratulation that the hon. gentleman was freed from his shackles. He did not rejoice at the departure of Mr. Jackson, he simply rejoiced in the escape of the hon. gentleman from the shackles which that gentleman had wound round him. Before the departure of Mr. Jackson the Inspector General was not on an equal footing with the other members of the House. He was not free like them. He felt himself bound by his engagement.¹²⁸ He supposed the falling of these shackles was the chief object of the announcement of the Inspector General. If there were any other, it must be to frighten the House by the story that Mr. Jackson was going home, the railway gone, and the country going to the bad.¹²⁹ He (Mr. McD.) did not desire to break up any arrangement which would be beneficial to the country; but he said that if the object of the hon. gentleman was to frighten the House by stating that Mr. Jackson was going home, it would be a breach of the

privileges of the House.¹³⁰

MR. BOULTON had never heard a statement with more pleasure than that Mr. Jackson was going home, for while he was here, scarcely a member felt that he was at liberty to¹³¹ do his duty with anything like peace.¹³² (Laughter.) It was a fact. He could scarcely discharge his duty freely, for it was intimated to him that if he opposed the bill, he would be brought to book for opposing a bill which was to secure a road to his constituents.¹³³ One day he was threatened with the anger of his constituents for obstructing a road that went through Toronto; the next he was to be terrified into the idea of making the other road to River du Loup, which his constituents did not want. He could not understand the proposition of the government.¹³⁴ It was evident that when Mr. Jackson came out to this country, the whole position of the affair was changed; instead of being a mere contractor for the construction of the road, he was the sole person who could make the road, and in fact he was to own the road.¹³⁵ It appeared by the written statement of the Inspector General that when Mr. Jackson first came out, he found it necessary to organize the Companies chartered last year. Then, as soon as they were chartered¹³⁶ the Inspector General brought in a bill to sweep away the whole of the existing companies, and give the sole right of construction to strangers, at a rate that was above anything ever heard of before.¹³⁷ The government, as it appeared to him, had assumed no other responsibility than to ask Mr. Jackson to come and offer for the contracts, and the whole difficulty had occurred¹³⁸ in consequence of the attempt made by Mr. Jackson not to get the contracts for constructing the roads under the existing charters, but to get a bill overriding all the existing charters¹³⁹, desiring to get the stock into his own hands that he might put it in the money market to an amount far beyond what was necessary.¹⁴⁰

MR. YOUNG wished to make one remark.¹⁴¹ Allusion had been made by Sir A. MacNab to the large quantity of stock taken up by the people in Montreal. Now what was the fact with regard to the bill before the House.¹⁴² [It] involved a capital stock of £3,000,000 sterling. These £3,000,000 are to be divided among twenty one individuals. The three millions among the twenty one stockholders gives an average of £178,000 to each. The highest subscription in the Montreal company is £198,000, and the fact of a large amount of stock in that company, being taken by a few individuals, was one of the principal objections urged by some gentleman against that company.¹⁴³ Now as it was¹⁴⁴ notorious¹⁴⁵ that none of these persons who were residents could take that stock better than Messrs. Holton and Galt, it followed¹⁴⁶, that these twenty-one stockholders cannot subscribe a bona fide stock to that amount, but suppose that they take stock to the extent of £2000 each, who is to take the bulk of it, amounting to something like £2,000,000? A young¹⁴⁷ gentleman, not of age,¹⁴⁸ a son of Mr. Jackson who has just left school! The fact is, he is to make a bargain with his own father.¹⁴⁹

MR. STREET was very sorry to hear that Mr. Jackson was going home. He regretted it for Mr. Jackson's own sake.¹⁵⁰ The hon. Inspector General said he did not know till that day that Mr. Jackson was going away, and¹⁵¹ for what reason was that gentleman going away? Because the House, in the exercise of its judgment,¹⁵² in its calmness, moderation, and discretion¹⁵³ took time to consider a question of great public interest; because the members of the House desired to have time to read carefully and deliberately, a document furnished by a committee appointed by the House, and which contained the evidence on which the whole question was to turn; because the House chose to do that, Mr. Jackson¹⁵⁴ took upon himself to fly into a passion, and go off to England.¹⁵⁵ That was the position in which the Inspector General placed the affair; and if that was the position, and he said it was--¹⁵⁶

MR. INSP. GEN. HINCKS.--No. It is not.¹⁵⁷

MR. STREET.--Well, he could understand nothing else from the announcement just made; and if it were so,¹⁵⁸ then it was most disgraceful to Mr. Jackson, and those who were connected with him in the advocacy of this measure, to say that, because the House asked time to deliberate for a day or two, he would abandon the measure and go off to England. Was that the way that an English gentleman ... was to treat the Parliament of Canada?¹⁵⁹ Were the people of Canada to be treated in that way, let the capitalist who dealt with them be ever so great? He said they were not.¹⁶⁰

MR. INSP. GEN. HINCKS.--You are in error.¹⁶¹

MR. STREET.--What did the House ask for? Time to deliberate, to read the evidence, and to make themselves acquainted with the extent to which the Inspector General had bound himself, for he was bound so far as he could command a majority in the House. Did any person know that the Inspector General had gone to England and invited Mr. Jackson to come to this country, before pursuing that document? Had not the representatives of the people of Canada a right--was it not their duty to ascertain the true position in which the country stood through the action of its leaders in England?¹⁶² Did the House know anything of the engagement of the Inspector General by which it was to be bound? Did anybody ever hear of this agreement. He had not until he got that report, and he was glad he had desired delay to understand it.¹⁶³ It was their duty, and they would have been recreant to that duty, and would not have dared to face their constituents--he would not have dared to go back to the people of the County of Welland, and tell them that he had pledged their credit, and the credit of the whole country to this immense undertaking, if he had not asked for postponement, and for time to make himself acquainted with the facts. He considered that the House had taken a wise and judicious course, such a course as every man with a reflecting mind, would take, if called on to consider a proposition by which his own pocket was to suffer or gain; and he did not think it lay in the mouth of Mr. Jackson to tell the Parliament of Canada that he would go to England, because they took time to deliberate, because he would not be allowed to force this measure unconsidered through the House.¹⁶⁴

MR. INSP. GEN. HINCKS.--This is most unfair.¹⁶⁵

MR. STREET. It is unfair in the Inspector General to impute unworthy motives to members of the House.¹⁶⁶

MR. INSP. GEN. HINCKS had imputed none.¹⁶⁷

MR. STREET.--Because they asked for time to read the report of the Railroad Committee.¹⁶⁸

MR. INSP. GEN. HINCKS.--You may have a month, six months, now, if you wish.¹⁶⁹

MR. STREET.--Because they asked for time to read and deliberate, it is pretended to insinuate to the country that they obstructed the construction of this work.¹⁷⁰

MR. INSP. GEN. HINCKS.--Hear, hear.¹⁷¹

MR. STREET.--Yes, that is the imputation that is to be held out to the people--that they are obstructives.¹⁷²

MR. INSP. GEN. HINCKS.--Yes, yes.¹⁷³

MR. STREET knew it. He thought he would succeed in getting it out.¹⁷⁴ Because the house deliberated they were obstructives; but he said they were the true obstructives who were bringing the country to that pass.¹⁷⁵ Now, he would say that they were not open to this charge; that it was unfounded. They had taken a manly and statesmanlike course and he was proud that he had persisted in his demand for time; and he felt confident that that demand would be approved by the public voice. He threw back the imputation of being obstructives on Mr. Jackson and his friends, and defied them to show that he was opposed to the construction of the road, merely because he exercised a proper degree of caution.¹⁷⁶

MR. INSP. GEN. HINCKS could not refrain from making one or two observations, in justice to the gentleman whose name had been so frequently mentioned, during the course of the debate. The member for Welland had made some most unfair observations with respect to that gentleman--unintentionally he was sure--and had made it appear that he was going home through petulance--¹⁷⁷

MR. STREET had not used the word.¹⁷⁸

MR. INSP. GEN. HINCKS.--In consequence of the debate of last evening. It was but fair to Mr. Jackson to say, that long before the debate of last evening, when it was impossible to form any idea of the delays which have occurred with respect to this bill, he had stated that it was out of his power to stop in this country beyond the 3rd November. After the discussion of last night, after the House had decided upon postponing action on the bill until Monday, Mr. Jackson put the question to him; whether he believed, candidly, as a man, that if he (Mr. J.) remained over until Saturday week any practical result would follow? He (Mr. H.) replied--and he was willing to take the whole responsibility of that reply,--that he did not believe any practical result would follow from the prolongation of his stay to the 3rd November; that he did not think it would be possible to carry the bill through by that time. He believed that there is a majority in the House in favour of the bill, but seeing that there is a minority in the House determined to pursue the course they took the preceding evening, he informed Mr. Jackson that there was but little probability of getting the bill through in one week if it were only taken up in committee on Monday.¹⁷⁹

MR. STREET.--Why should he go before the time he had himself named?¹⁸⁰

MR. INSP. GEN. HINCKS.--Because his sole object in remaining, was to close the contract, and because he was told by those persons on whom he had to depend for information, that it would be impossible to close them within the week, when no practical good could be obtained. For himself, he must confess that he thought it would be very desirable to close the contracts before Mr. Jackson went to England; but he might be wrong, and then hon. gentleman who did not think so might be right; but it was very difficult to understand what the House wanted; at one time they abused the Government for wishing to hurry the measure, and then they abused the Government when told that they might discuss it for six months if they chose. Hon. gentlemen might think that there was no danger of losing the aid of Messrs. Peto, Betts and Brassey in the construction of this road; but all he could say was, that this Company had plenty of opportunities for employing their capital without coming to Canada. He knew for a fact, that their assistance is sought for at this moment in the United States, as it is in the principal countries of Europe; and it was but natural for Mr. Jackson to feel strongly in consequence of the manner in which he had been treated here. That treatment put Mr. Jackson in this position: if he stayed here, it would appear that he was making undue efforts to press a contract which was pronounced, by many persons in the House and out of the House, as most speculative, and in fact--but he

would not repeat the terms which had been used. Whatever may be done in the matter now, he was certain that Messrs. Peto, Betts & Brassey would not for a moment countenance Mr. Jackson in taking the contract, no matter what scale of profit they might expect, after the virulent opposition which had been offered by the press, and by members of the House.¹⁸¹ He would not mention the names that had been used. It was true that hon. members might say that those were only newspaper writings; it might be so, but the gentlemen to whom they were applied were not used to them.¹⁸² Of course the Government did not care about it; but what he meant to say was, that the course taken by the opponents of the present measure must have its influence.¹⁸³

MR. CAUCHON regretted the position taken by the hon. member for Welland and also that Mr. Jackson was going to leave the country; for say what we would we could not get money when we wanted, and we should seize the present opportunity to get English Capital in the country. The only question for us was[, was] the guarantee of £3000 a mile too much? He did not believe it was.--He was sorry for the position in which the government stood. They were bound to assume the responsibility of this question as it vitally affected the interest of this country, and would render it liable for an immense debt. It was the question of questions. The government should stand on it and they would have a majority. He was not going to a company to build the road who had no money, and who could not do it.¹⁸⁴

MR. CARTIER said that as he was appealed to by the member for Montreal, whether he presided as a corporation in the Montreal and Kingston road, he must bear him out in that statement. As soon as the proclamation of the 7th August was published, the hon. gentleman went to Montreal and issued notices to the corporation, seven in number. He (Mr. C.) presided at that meeting, for the member for Montreal thought proper to resign his connection with the company, in consequence of his being a member of the Government. In his place Mr. Holton was elected President of the Company. But as he had said so much, he felt that he must tell all that he knew. It was known at that time through the press, that an arrangement had been made by the Inspector General with an English firm, for the construction of the road; and that the terms were as follows:--1-10th of the stock to be taken up by individual subscribers; 1-10th by municipalities; 3-10ths by Messrs. Peto, Betts, and Brassey, and the remainder was to be made up by the Government guarantee. In order to have the contract carried out, he signed the stock-book together with Messrs. Moffatt and Ira Gould. That was on the 10th August. It was intended to get the municipalities between Montreal and Kingston to take up 1-10th if possible. The stock-books remained open in Kingston, Brockville and Montreal, until the 23rd August, but not a single share was subscribed in any of these places. He felt certain that the corporation of Montreal would not take any stock, because [sic] there was a sort of prejudice in the minds of the public against their doing so. Well, he was in a state of despair, for there was no one more anxious than he was, to connect Montreal with Western Canada by means of a Railway: and he had several conversations with his friends, and with the members of the Government, after the House met on the subject, for the purpose of obviating the difficulty. While affairs were in that state, another proposition was made on behalf of Mr. Jackson, that as no stock was taken in the section of country through which the road was to run, perhaps he might take the whole stock in order that he might construct the whole road. As soon as this was known in Montreal, certain gentlemen entered into preliminary articles, from which it was clear that the company was a sham, and they subscribed the whole stock. He was convinced that the subscription of that stock was a mere sham paper; and in view of the after events he must say that he regretted having ever lent himself to the formation of the

Company.¹⁸⁵ He considered it a breach of faith for these 10 gentlemen to take up all the stock when they were not able to pay for it.¹⁸⁶ He was actuated throughout, however, by the most disinterested motives, and from a sincere desire to serve the country by furthering the advancement of this great line of internal communication.¹⁸⁷

MR. BROWN considered the position of the Inspector General as most extraordinary.¹⁸⁸ They had witnessed many strange spectacles in that House, but none so strange as had passed before his eyes¹⁸⁹ exhibited by the Inspector General¹⁹⁰ within the last few hours. He could not understand the object of all this commotion. The Inspector General got up the preceding night, and said, positively, that the bill must pass forthwith, for that Mr. Jackson was to leave for England next week. But he did not carry his point. Now he attempts to intimidate the House, by saying that Mr. Jackson is about to leave immediately, instead of on the Saturday after next! He (Mr. Brown) did not know what the hon. gentleman meant. Was it one of those stratagems which he was in the habit of employing, for the purpose of carrying his objects?¹⁹¹ What if Mr. Jackson should go away?¹⁹² Certainly it was one of the most extraordinary proceedings ever undertaken by a statesman in a deliberative assembly. And he was no less astonished at what fell from the leader of the opposition. That hon. gentleman got up with a mournful face, and said that Mr. Jackson had been driven from the country! There must be something more under all this than could be seen. Is it possible that the people of Canada are not able to build a railroad 300 miles in length, without the sacrifice of the rights of their representatives? The thing was an utter farce. He believed that the country could get on without Mr. Jackson, much better than with him. When the Inspector General said, last year, that the road could be built for £5,000 a mile, he was either sincere or he was not. If he was sincere, then there can be no reason why we should give twice that sum now; and if he was not sincere, then, it was scarcely possible to expect him to be perfectly sincere with respect to this proposition, when he said it would cost £10,000 a mile. This was the third which had come out of the hands of that hon. gentleman, and his conduct with respect to it now was of a piece with the rest. He ran off to England, and tried to force his pet scheme, for the moment, down the throat of the Colonial Secretary; and when he failed in that, he went off to Mr. Jackson, and brought him out to Canada. What was the result? Immediately after the commencement of the session, he got up and asked the Inspector General for a copy of the agreement, but when he called attention to the fact, that an agreement was referred to in the hon. gentleman's own organ, he said,¹⁹³ "Oh if it is the correspondence you want you may have it."¹⁹⁴ and after some time it was sent down; but, meanwhile, the country was given distinctly to understand that there was no agreement on the part of the Government. The hon. gentleman now says that Mr. Jackson was ill treated in this matter. If it is true, the hon. gentleman is alone to blame; for it is the mystery he has maintained about the matter which has caused it to be looked upon with suspicion.¹⁹⁵ There had been nothing but mystery in relation to this matter¹⁹⁶. After saying that the Government had no interest in it, and after shoving the bills into the hands of private individuals, to keep up the delusion--when he finds there will be some difficulty in carrying the measure, he tells the House that all he previously said was unfounded, that the Government stood pledged to the measure, and bound to Mr. Jackson to carry it out.¹⁹⁷

MR. SOL. GEN. CHAUVEAU had never understood the Inspector General to say that the Government was not interested in the measure. He had merely said that the Government could not be expected to introduce¹⁹⁸ a bill for the incorporation of a private Company.¹⁹⁹

MR. BROWN knew what was recorded in the proceedings of the House. He knew what was contained in a resolution introduced by himself, and which was altered to suit the views of the Inspector General. The whole matter was a series of misrepresentations. When the Railroad Committee was appointed, the House was told that the bill must be referred at once. They were told that Mr. Jackson would be off; and when the Committee came to sit, Mr. Jackson was not to be found; he was off indeed. He had taken offence because it was supposed that he was an ordinary contractor. But he was not far off; and it was very probable that he was not far off now. The bill gave too good a profit to imagine that he will fail to look after it. The Inspector General informed us that he told Mr. Jackson the bill would not pass during the next week, and consequently that there was no use in his remaining. He (Mr. Brown) hoped that the hon. gentleman was right--that the Bill would not pass at that time, or at any other time. He hoped that before that time the impression that is sought to be made on the minds of the people that they are unable to build railroads without the aid of Mr. Jackson, that they are unable to do anything of themselves, will be recognized as a piece of delusion. Does Mr. Jackson intend to build it with his own hands? Why, it is well known that he intended to sublet every foot of it to Canadians. Cannot we bring out engineers as well as Mr. Jackson? It was, in his opinion, a wrong to the people of Canada to make this lamentation over the departure of a contractor, as though it was a national calamity. He had half a suspicion that the Government were precious glad to seize this opportunity to get quit of their responsibility. They began to see that this £10,000 a mile job would not pass very easily, and that if it did pass, it would recoil on its advocates ere long. But he put it to the House whether the Government could get quit of their responsibility? Whether it was proper that, under responsible government, the negotiation of a work of this nature, involving the expenditure of millions of money, should pass into private hands? He thought not. He thought the Government was bound to assume the responsibility. The attempt to make it appear that this matter was in the hands of the Government, was the cause of the suspicion with which it was regarded. If this can be done, what is the use of our system of government? If no honour is to be observed between the Government and the House, it must necessarily bring the Government into contempt with the country; but he hoped that if hon. gentlemen on the Treasury benches did not understand their true position, means would be taken by the House to teach it to them; and to let them understand that when a measure of this importance is introduced under their sanction, they must be prepared to stand or fall by it.²⁰⁰

MR. RIDOUT understood from the announcement made by the Inspector General, that it was the intention of Mr. Jackson to leave for England on Saturday next; that he entirely absolved the Government from any claim that he might have had on them with regard to this project; and that he came out here at the invitation of the Government to make the railroad, but he did not understand²⁰¹ from what had fallen from the Inspector General²⁰² that Mr. Jackson had withdrawn from any arrangement that was contemplated with regard to the work. If he did intend to withdraw--the country should be made acquainted with the fact. He could not believe, however, that such was Mr. Jackson's intention. An hon. member had said during the course of his remarks, that Mr. Jackson had not been well treated; but he hoped that that observation had no reference to the discussion of the previous night. For his own part, he was well satisfied with the course he took in asking for a reasonable delay, in order that the House might have an opportunity of reading and studying the document laid before them.²⁰³

MR. PRES. EX. COUN. CAMERON condemned the attacks that had been made upon Mr. Jackson both in the House and by the public press. He contended that these

attacks were most unjust. It was absurd to say that the English firm which Mr. Jackson represented, would swindle the people of England by selling stock that represented no value or that the people of England would be fools enough to buy it. He contended that the position of the government in relation to this question was to guarantee a certain sum per mile, on the condition that a railway should be constructed superior to any on this continent. It was absurd to send foreign capital out of the Country.²⁰⁴

The motion was then carried.²⁰⁵

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The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to regulate the business of Stevedore[s] in the Port of Quebec, being read;

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Mr. Laurin moved, seconded by Mr. Fortier, and the Question being proposed, That the Bill be now read a second time;

Mr. Christie of Gaspé moved in amendment to the Question, seconded by Mr. Dubord, That the word "now" be left out, and the words "this day six months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

*The Order of the day for the second reading of the Bill to secure Mechanics and others, a Lien on Buildings erected by them, in certain Cities of Upper Canada, being read;*²⁰⁶

MR. BOULTON moved the second reading of the bill to secure to Mechanics a lien on buildings erected by them in Upper Canada. He made some remarks in support of his motion, and stated that this bill was similar to the law in force in New York and other states; and the law of Lower Canada was nearly similar but did not go so far. It was much needed in Toronto and Hamilton, and had been petitioned for by the mechanics of those cities. They had sent very numerous signed petitions to the house, and men of property had also joined them. He contended that mechanics ought to be protected.²⁰⁷

MR. BROWN opposed the bill as being entirely unnecessary. The legislature should avoid this kind of interference between debtor and creditor. If it interfered in the case of mechanics, it might as well do so in every mercantile transaction. The hon. member at some length enlarged on these grounds.²⁰⁸

MR. DIXON spoke in favor of referring the bill to a committee.²⁰⁹

MR. SOL. GEN. CHAUVEAU opposed the bill.²¹⁰

MR. BADGLEY also rejected it but he would consent to its going before a committee.²¹¹

MR. BOULTON replied, and contended that hon. members had not read his bill.²¹²

MR. R. MCDONALD opposed the bill²¹³.

MR. MACKENZIE supported it.²¹⁴

SIR A. MACNAB hoped the bill would be allowed to be read a second time, and referred to a committee, as it had been petitioned for by 40,000 mechanics.²¹⁵

Some conversation [ensued]²¹⁶.

MR. AT. GEN. DRUMMOND said that he would not object to the bill being referred to a committee, but he objected to some of its details.²¹⁷

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The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Boulton, Sir Allan N. MacNab, Mr. Solicitor General Chauveau, Mr. Ridout, and Mr. Dixon, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to prohibit the payment to Mechanics and others, in certain Cities of Upper Canada, of wages in goods or by way of truck, being read;

*Mr. Boulton moved, seconded by Sir Allan N. MacNab, and the Question being proposed, That the Bill be now read a second time:*²¹⁸

MR. BOULTON moved the second reading of the Bill to prevent the payment of wages otherwise than in money. He said it might be that there were many members from Agricultural Districts who were not acquainted with the nature of this system, but it was notorious that in populous cities and towns, the feeling of the people was so acute on the subject and the evil consequences of the system so great that he hoped those hon. members would defer to the opinion of those who were more intimately connected with the cities in which it prevailed. The Truck system had not existed in this country for very many years, though in England for upwards of 400 years, but to no general extent there for a longer period than about 130 years, and only for the last 30 or 40 years had it gone to that extent which pressed so heavily on the poor as to require the intervention of Parliament. The Truck system was the payment of the wages of labor, not in money but in goods. The employer sets up a store, in which was every kind of necessary for which his workmen had occasion, and there the workman and his family were compelled to resort for almost everything they required to the extent of their earnings; the amount earned being set against the articles drawn from the store; or else the employer made a bargain with some merchant, who agreed to receive his order, supplying the workmen with what was required. The merchant allowing the employer a certain per centage on his profits, which of course, was exacted from the unfortunate mechanic or laborer. The poorer class of employers has a greater temptation to carry this system to excess than the rich, for he gets 6 months credit for his goods, and then give [sic] Bills at 3 and 6 months more so that in effect he had 9 or 12 months credit for the amount of the work performed as well as on the value of the goods, the poor workman who objected to that system is of course discharged. In England this system pressed so heavily on the mechanics and labouring classes that in 1830 a Bill was introduced into Parliament, from which the Bill before the House was taken, and became the law of the land--in England, therefore, this odious system no longer prevailed. In Toronto it was carried out to an extent that he believed very injurious to several classes of the community. The effect of the system particularly amongst builders was to encourage men of no capital or standing by the assistance of merchants, to compete with builders of capital in the construction of large and extensive buildings, so as not so frequently [sic] to drive the solvent men out of the market, and ultimately the adventurer himself was ruined from taking contracts at too low a rate. Generally speaking, the larger Truck masters conducted themselves more fairly, and the smaller masters more cruelly towards their laborers,--though there are exceptions in both cases--but as a rule, it might be stated that

the money-paying masters being totally incompetent to compete with the Truck masters, have adopted without hesitation to a very great extent the Truck system. The evils of the system might be proved by innumerable examples, but generally speaking, the prices charged to the mechanic and laborer are from 15 to 25 per cent above the market price, seldom or never below 15, and sometimes beyond 100 per cent beyond the market price. Ruinous as is the system to the unfortunate mechanic and laborer, it is scarcely less so to the money-paying master. He contended the Legislature should not suffer such men to be ruined for the advantage of those who also ruined their workmen. Another class of persons who were also most seriously injured by this system was the shop-keepers and little dealers, grocers &c., whose natural customers it completely cut off; the workmen being so impoverished by this system that they have nothing to lay out with them. The Truck system, however, did not always benefit those adopting it, as in the city of Toronto, he had no hesitation in saying, the majority of them had become Bankrupts, and generally owed their workmen large balances, which were never paid at all. The principle of the Bill having been adopted in England, he contended it could not be considered unsound in this country. The Bill was limited to the cities of Toronto and Hamilton, from both of which places the largest Petitions signed by all classes of each city had been presented complaining of the evil, and praying the law might pass. It seemed to him to be merely a question of time as to when such a law should be adopted, it could not be desired that we should suffer for 130 years as they did in England before the relief came. He thought the evil should be stayed, and if the Bill worked well in these cities other large towns could hereafter adopt it. In Toronto some hundreds of thousands of pounds were annually paid in hard cash to the contractors for Building, whilst the men who did the work got paid in Truck. The rich could always protect themselves but the poor could not, and as an humble advocate and supporter in the House of the interests of the latter, he trusted the Bill would be permitted to become the law of the land.²¹⁹

MR. ROBINSON opposed the bill. It would do more harm to mechanics than it would no [sic] them good.²²⁰

MR. ROSE objected to it for the same reasons.²²¹

MR. RIDOUT would vote for the second reading of the bill. This bill and the previous one should apply generally to the whole province and not be confined to two cities. He desired the bill to be referred to a committee and carefully examined clause by clause.²²²

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Mr. Hartman moved in amendment to the Question, seconded by Mr. Wright of the East Riding of York, That the word "now" be left out, and the words "this day six months" added at the end thereof;

SIR A. MACNAB considered that an incourteous way of treating a bill petitioned for by 6 or 7 thousand mechanics and he hoped the house would allow the bill to be referred to a select committee.²²³

MR. AT. GEN. DRUMMOND thought the bill involved a dangerous principle and would injure the mechanic in the end. If the bill were only made to apply to Hamilton and Toronto, the principle would be sanctioned, and mechanics in other part[s] of the province might demand [it]. The effect would be to repress improvements especially in the back parts of the country.²²⁴

MR. MACKENZIE supported the bill, and contended that its principle was sound. A similar law worked well in England and Wales; and Mechanics here ought to have so much protection.²²⁵

MR. GAMBLE was opposed to the principle of the bill. He thought that if it were carried out it would stop one half the business throughout the country.226

MR. BROWN opposed the bill.227

Some further conversation [ensued]228.

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Cauchon, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Fergusson, Fortier, Gamble, Hartman, Hincks, Langton, McDonald of CORNWALL, Macdonald of KINGSTON, Marchildon, Mattice, McDougall, McLachlin, Mongenais, Morin, Papineau, Patrick, Poulin, Rose, Sanborn, Seymour, Shaw, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Valois, Varin, Willson, Wright of East Riding of YORK, and Young.--(38.)

NAYS.

Messieurs Boulton, Chapais, Dixon, Jobin, Laurin, Mackenzie, Sir A.N. MacNab, Malloch, Murney, Ridout, Taché, Tessier, Viger, and White.--(14.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time this day six months.

Ordered, That the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton, relative to a Road allowance, be referred to the Standing Committee on Miscellaneous Private Bills.

(333)

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Seymour, seconded by Mr. Malloch,

The House adjourned.

[NOTICE OF MOTION: RE RAILWAY COMMITTEE REPORT ON GRAND TRUNK RAILWAY.]

MR. INSP. GEN. HINCKS [donna avis que] demain [il] proposera que l'ordre du jour pour prendre en considération le rapport du comité permanent sur les chemins de fer, canaux et lignes de télégraphes électriques, relativement au grand tronc de chemin de fer, devienne le premier ordre du jour pour lundi prochain.²²⁹

[WITHDRAWN MOTION RE: CHARGES FOR GOVERNMENT MISSIONS.]²³⁰

MR. DUBORD moved for an Address to his Excellency, for a detailed statement of the charges incurred for missions in the service of the Government, since 1851 to this date.²³¹

MR. INSP. GEN. HINCKS said he would not hold the situation one hour, which he had the honour to fill, if the House would support such a motion²³². If the House chose to insist upon it, he was ready to cross the House; for he would consider himself degraded if he did.²³³ The member for Quebec had frequently been guilty of impertinently enquiring into his (Mr. Hincks') private affairs.²³⁴ This was a public affair, but he would not condescend to notice it. He would not condescend to²³⁵ give the member for Quebec the information he required. The House might pass a vote to that effect and compel him to resign the office which he fills, for he would not hold it in a country where such information should be demanded. And he would tell the member for Quebec further, that when he took the course he had taken with reference to him he had done that of which no honourable member would be guilty.²³⁶

MR. DUBORD said the House had a right to ask for information as to the expenditure of money; and it was public rumour that induced him to make his inquiry.²³⁷ He did not understand the impertinent tone of the hon. member²³⁸. The Inspector General²³⁹ had once compared himself to Lord Derby²⁴⁰ and had begun to fancy in reality that he was an equally important character. He could refer him to his school book, and request him to read the fable of the frog and the bull²⁴¹ [of which he] was strongly reminded²⁴².

The motion not being seconded, it was withdrawn.²⁴³

FOOTNOTES: 21 OCTOBER 1852.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 23 October 1852, MONTREAL GAZETTE, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, PILOT, 26 October 1852, HAMILTON SPECTATOR DAILY, 28 October 1852, BRITISH COLONIST, 29 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 5 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852. The debate was also reported by GLOBE, 2 November 1852. The debate was noted by MORNING CHRONICLE, 22 October 1852.
2. MORNING CHRONICLE, 23 October 1852.
3. GLOBE, 2 November 1852.
4. MORNING CHRONICLE, 23 October 1852.
5. GLOBE, 2 November 1852. Ellipsis represents illegible words.
6. MORNING CHRONICLE, 23 October 1852.
7. GLOBE, 2 November 1852.
8. IBID.
9. MORNING CHRONICLE, 23 October 1852.
10. GLOBE, 2 November 1852.
11. MORNING CHRONICLE, 23 October 1852.
12. GLOBE, 2 November 1852.
13. MORNING CHRONICLE, 23 October 1852.
14. GLOBE, 2 November 1852.
15. MORNING CHRONICLE, 23 October 1852.
16. GLOBE, 2 November 1852.
17. MORNING CHRONICLE, 23 October 1852.
18. GLOBE, 2 November 1852.
19. MORNING CHRONICLE, 23 October 1852.
20. GLOBE, 2 November 1852.
21. MORNING CHRONICLE, 23 October 1852.
22. GLOBE, 2 November 1852.
23. MORNING CHRONICLE, 23 October 1852.
24. GLOBE, 2 November 1852.
25. MORNING CHRONICLE, 23 October 1852.
26. GLOBE, 2 November 1852.
27. IBID.
28. IBID.
29. MORNING CHRONICLE, 23 October 1852.
30. GLOBE, 2 November 1852.
31. MORNING CHRONICLE, 23 October 1852.
32. GLOBE, 2 November 1852.
33. MORNING CHRONICLE, 23 October 1852.
34. GLOBE, 2 November 1852.
35. MORNING CHRONICLE, 23 October 1852.
36. GLOBE, 2 November 1852.
37. MORNING CHRONICLE, 23 October 1852.
38. GLOBE, 2 November 1852. The ellipsis represents illegible words.
39. MORNING CHRONICLE, 23 October 1852.
40. GLOBE, 2 November 1852.
41. IBID.
42. MORNING CHRONICLE, 23 October 1852.
43. GLOBE, 2 November 1852.
44. MORNING CHRONICLE, 23 October 1852.
45. GLOBE, 2 November 1852.

46. MORNING CHRONICLE, 23 October 1852.
47. GLOBE, 2 November 1852. The following papers erroneously reported that the motion was lost: MORNING CHRONICLE, 22, 23 October 1852, MONTREAL GAZETTE, 25 October 1852, PILOT, 26 October 1852, HAMILTON SPECTATOR DAILY, 28 October 1852, BRITISH COLONIST, 29 October 1852, and HAMILTON SPECTATOR WEEKLY, 4 November 1852.
48. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 23 October 1852, MONTREAL GAZETTE, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, PILOT, 26 October 1852, HAMILTON SPECTATOR DAILY, 28 October 1852, BRITISH COLONIST, 29 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 5 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852; MORNING CHRONICLE, 22 October 1852, BRITISH WHIG, 23 October 1852, MONTREAL GAZETTE, 23 October 1852, PILOT, 23 October 1852, BRITISH COLONIST, 26 October 1852, EXAMINER, 27 October 1852, NORTH AMERICAN WEEKLY, 28 October 1852, BATHURST COURIER, 29 October 1852, and OTTAWA CITIZEN, 30 October 1852. It was also reported by Globe, 2 November 1852.
49. GLOBE, 2 November 1852.
50. MORNING CHRONICLE, 23 October 1852.
51. GLOBE, 2 November 1852.
52. MORNING CHRONICLE, 23 October 1852.
53. GLOBE, 2 November 1852.
54. MORNING CHRONICLE, 23 October 1852.
55. GLOBE, 2 November 1852.
56. MORNING CHRONICLE, 23 October 1852.
57. IBID.
58. GLOBE, 2 November 1852.
59. IBID.
60. MORNING CHRONICLE, 23 October 1852.
61. GLOBE, 2 November 1852.
62. MORNING CHRONICLE, 23 October 1852.
63. GLOBE, 2 November 1852.
64. MORNING CHRONICLE, 23 October 1852.
65. GLOBE, 2 November 1852.
66. MORNING CHRONICLE, 23 October 1852.
67. GLOBE, 2 November 1852.
68. IBID.
69. IBID.
70. MORNING CHRONICLE, 23 October 1852.
71. GLOBE, 2 November 1852.
72. MORNING CHRONICLE, 23 October 1852.
73. GLOBE, 2 November 1852.
74. MORNING CHRONICLE, 23 October 1852.
75. GLOBE, 2 November 1852.
76. MORNING CHRONICLE, 23 October 1852.
77. GLOBE, 2 November 1852.
78. IBID.
79. IBID.
80. MORNING CHRONICLE, 23 October 1852.
81. GLOBE, 2 November 1852.
82. MORNING CHRONICLE, 23 October 1852.
83. GLOBE, 2 November 1852.
84. MORNING CHRONICLE, 23 October 1852.
85. GLOBE, 2 November 1852.
86. IBID.

87. MORNING CHRONICLE, 23 October 1852.
88. GLOBE, 2 November 1852.
89. MORNING CHRONICLE, 23 October 1852.
90. GLOBE, 2 November 1852.
91. MORNING CHRONICLE, 23 October 1852.
92. GLOBE, 2 November 1852.
93. MORNING CHRONICLE, 23 October 1852.
94. GLOBE, 2 November 1852.
95. MORNING CHRONICLE, 23 October 1852.
96. MORNING CHRONICLE, 23 October 1852. GLOBE, 2 November 1852, ascribed
this speech to Mr. J.A. MacDonald.
97. GLOBE, 2 November 1852.
98. MORNING CHRONICLE, 23 October 1852.
99. GLOBE, 2 November 1852.
100. MORNING CHRONICLE, 23 October 1852.
101. GLOBE, 2 November 1852.
102. IBID.
103. MORNING CHRONICLE, 23 October 1852.
104. GLOBE, 2 November 1852.
105. MORNING CHRONICLE, 23 October 1852.
106. GLOBE, 2 November 1852.
107. IBID.
108. MORNING CHRONICLE, 23 October 1852.
109. GLOBE, 2 November 1852.
110. IBID.
111. IBID.
112. GLOBE, 2 November 1852. MORNING CHRONICLE, 23 October 1852, reported
Mr. Young as saying, "Before I was in the Government I was the
chairman of the Kingston Railroad."
113. GLOBE, 2 November 1852.
114. IBID.
115. MORNING CHRONICLE, 23 October 1852.
116. IBID.
117. GLOBE, 2 November 1852.
118. IBID.
119. MORNING CHRONICLE, 23 October 1852.
120. GLOBE, 2 November 1852.
121. MORNING CHRONICLE, 23 October 1852.
122. GLOBE, 2 November 1852.
123. MORNING CHRONICLE, 23 October 1852.
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125. MORNING CHRONICLE, 23 October 1852.
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127. MORNING CHRONICLE, 23 October 1852.
128. GLOBE, 2 November 1852.
129. MORNING CHRONICLE, 23 October 1852.
130. GLOBE, 2 November 1852.
131. IBID.
132. MORNING CHRONICLE, 23 October 1852.
133. GLOBE, 2 November 1852.
134. MORNING CHRONICLE, 23 October 1852.
135. GLOBE, 2 November 1852.
136. MORNING CHRONICLE, 23 October 1852.
137. GLOBE, 2 November 1852.
138. MORNING CHRONICLE, 23 October 1852.

139. GLOBE, 2 November 1852.
140. MORNING CHRONICLE, 23 October 1852.
141. GLOBE, 2 November 1852.
142. MORNING CHRONICLE, 23 October 1852.
143. GLOBE, 2 November 1852.
144. MORNING CHRONICLE, 23 October 1852.
145. GLOBE, 2 November 1852.
146. MORNING CHRONICLE, 23 October 1852.
147. GLOBE, 2 November 1852.
148. MORNING CHRONICLE, 23 October 1852.
149. GLOBE, 2 November 1852.
150. IBID.
151. MORNING CHRONICLE, 23 October 1852.
152. GLOBE, 2 November 1852.
153. MORNING CHRONICLE, 23 October 1852.
154. GLOBE, 2 November 1852.
155. MORNING CHRONICLE, 23 October 1852.
156. GLOBE, 2 November 1852.
157. IBID.
158. MORNING CHRONICLE, 23 October 1852.
159. GLOBE, 2 November 1852.
160. MORNING CHRONICLE, 23 October 1852.
161. GLOBE, 2 November 1852.
162. IBID.
163. MORNING CHRONICLE, 23 October 1852.
164. GLOBE, 2 November 1852.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. IBID.
172. IBID.
173. IBID.
174. IBID.
175. MORNING CHRONICLE, 23 October 1852.
176. GLOBE, 2 November 1852.
177. IBID.
178. IBID.
179. IBID.
180. IBID.
181. IBID.
182. MORNING CHRONICLE, 23 October 1852.
183. GLOBE, 2 November 1852.
184. MORNING CHRONICLE, 23 October 1852.
185. GLOBE, 2 November 1852.
186. MORNING CHRONICLE, 23 October 1852.
187. GLOBE, 2 November 1852.
188. MORNING CHRONICLE, 23 October 1852.
189. GLOBE, 2 November 1852.
190. MORNING CHRONICLE, 23 October 1852.
191. GLOBE, 2 November 1852.
192. MORNING CHRONICLE, 23 October 1852.
193. GLOBE, 2 November 1852.

194. MORNING CHRONICLE, 23 October 1852.
195. GLOBE, 2 November 1852.
196. MORNING CHRONICLE, 23 October 1852.
197. GLOBE, 2 November 1852.
198. IBID.
199. MORNING CHRONICLE, 23 October 1852.
200. GLOBE, 2 November 1852.
201. IBID.
202. MORNING CHRONICLE, 23 October 1852.
203. GLOBE, 2 November 1852.
204. MORNING CHRONICLE, 23 October 1852.
205. GLOBE, 2 November 1852.
206. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 23 October 1852, PILOT, 26 October 1852, QUEBEC GAZETTE, 27 October 1852, HAMILTON SPECTATOR DAILY, 28 October 1852, BRITISH COLONIST, 29 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 5 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852. The debate was noted by GLOBE, 2 November 1852.
207. MORNING CHRONICLE, 23 October 1852.
208. IBID.
209. IBID.
210. IBID.
211. IBID.
212. IBID.
213. IBID.
214. IBID.
215. IBID.
216. MORNING CHRONICLE, 23 October 1852. GLOBE, 2 November 1852, reported that the bill provoked "a warm discussion," which "was continued for a considerable length of time."
217. MORNING CHRONICLE, 23 October 1852.
218. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 23 October 1852, PILOT, 26 October 1852, QUEBEC GAZETTE, 27 October 1852, HAMILTON SPECTATOR DAILY, 28 October 1852, BRITISH COLONIST, 29 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 5 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852. The debate was noted by GLOBE, 2 November 1852.
219. MORNING CHRONICLE, 23 October 1852.
220. IBID.
221. IBID.
222. IBID.
223. IBID.
224. IBID.
225. IBID.
226. IBID.
227. IBID.
228. IBID.
229. LE PAYS, 25 October 1852.
230. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 23 October 1852, MONTREAL GAZETTE, 25 October 1852, QUEBEC GAZETTE, 25 October 1852, PILOT, 26 October 1852, HAMILTON SPECTATOR DAILY, 28 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 5 November 1852, and

NORTH AMERICAN WEEKLY, 11 November 1852. The debate was also reported by GLOBE, 2 November 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 22 October 1852, GLOBE, 23 October 1852, and HAMILTON SPECTATOR WEEKLY, 28 October 1852. The debate was also noted by MORNING CHRONICLE, 22 October 1852.

- 231. GLOBE, 2 November 1852.
- 232. IBID.
- 233. MORNING CHRONICLE, 23 October 1852.
- 234. GLOBE, 2 November 1852.
- 235. MORNING CHRONICLE, 23 October 1852.
- 236. GLOBE, 2 November 1852.
- 237. IBID.
- 238. MORNING CHRONICLE, 22 October 1852.
- 239. GLOBE, 2 November 1852.
- 240. MORNING CHRONICLE, 22 October 1852.
- 241. GLOBE, 2 November 1852.
- 242. MORNING CHRONICLE, 22 October 1852.
- 243. GLOBE, 2 November 1852.

FRIDAY, 22 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Mackenzie,--The Petition of L. Birney and others, of the County of Haldimand.

By Mr. Street,--The Petition of John C. Ball and others, Councillors of the Municipal Council of the United Counties of Lincoln and Welland.

By Mr. Mongenais,--The Petition of E. Lalonde and others, of the Parish of Ste. Marthe, County of Vaudreuil.

By Mr. Egan,--The Petition of Thomas B. Prentiss and others, of the Township of Hull; and the Petition of the Municipal Council of Municipality Number two, of the County of Ottawa.

By the Honorable Mr. Badgley,--The Petition of W.S. Porteous and others, Members of the Baptist Church in Montreal.

By Mr. Ridout,--The Petition of Messieurs Bowes and Hall and others, of the City of Toronto.

By Mr. Langton,--The Petition of Frederick Fergusson and others, of the Town of Peterborough.

By Sir Allan N. MacNab,--The Petition of H. McKinstry and others, of the City of Hamilton; and the Petition of Edward Zealand, mariner.

By the Honorable Mr. Papineau,--The Petition of L. Guerin and others, of the Parish of St. Eustache, County of Two Mountains.

By the Honorable Mr. Robinson,--The Petition of Frederick O'Brien and others, of the Town of Barrie.

By the Honorable Mr. LaTerrière,--The Petition of Thomas Verchères de Boucherville, of Boucherville, Esquire.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend John Smith and others, the Congregation in Bowmanville in connection with the Presbyterian Church in Canada; of the Reverend Giffard Dorly and others, of the Congregations of the Wesleyan Methodist Church in the County of Megantic; of Dugald Campbell and others, of the Township of Inverness; of John McKinnon and others, of the County of Megantic; of Enos Alger, Esquire, and others, of Eaton and Clifton; of Alexander Moffat, Esquire, and others, of Pemroke and its vicinity; of Francis Thompson and others, of the Village of Yorkville; of Alexander B. McMillan and others, of the Township of Finch; of J. Hamilton and others, of the Town of London; of James George and others, of the Township of Scarborough; of Elizabeth Sutherland and others, of the Townships of Ekfrid and Mosa; of the Reverend W. Taylor D.D., and others, of the United Presbyterian Church of Montreal; and of Helen Fairbairn, and others, members and adherents of the Congregation in Bowmanville in connection with the Presbyterian Church of Canada; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on Railways and other Public Works.

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Of James Mavor and others, of the City of Montreal; praying for the abolition of Capital Punishment.

Of Joseph T. Dutton, Principal of the Montreal Day, Board and Evening Academy, in the City of Montreal; praying for certain amendments to the Education Law.

Of the Reverend W. Taylor, D.D., and others, of the United Presbyterian Church of Montreal; praying that the Clergy Reserves and Rectories may be withdrawn from their present application, and be appropriated to some other purpose.

Of Messieurs John Watkins and Company, and others, Bankers and Merchants of Upper Canada; praying that the Law relating to the protesting of Notes and Bills

of Exchange may remain as it now exists.

Of David Long and others who served in the Flank Companies and other Military capacities during the late War between Great Britain and the United States; praying compensation for services rendered by them during the said War.

Of the Mechanics' Institute of the City of Hamilton; praying aid to complete a Building and otherwise to promote the objects of the said Institute.

Of William Green and others, of the City of Hamilton; praying that so much of the Bill to amend the Act, intituled, "An Act to incorporate the Hamilton Gas Light Company," as proposes to render the said Company not liable to action on account of the erection of their Buildings, or the manufacture of Gas, may not pass into Law.

Ordered, That the Petition of William Ruthven, of the Parish of St. Louis de Lotbinière, be referred to the Joint Committee of both Houses for the regulation and management of the Parliamentary Library.

Mr. Laurin moved, seconded by Mr. Fortier, and the Question being put, That the Petition of William Wilson, of the City of Quebec, Esquire, praying to be put into possession of a certain Lot of Land purchased by him in Cul-de-Sac Street, in the said City, and of which he has been deprived by the Officers of the Trinity House of Quebec, be referred to a Select Committee, composed of Mr. Polette, Mr. Turcotte, Mr. Fortier, Mr. Lemieux, and the Mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records:--It passed in the Negative.

Ordered, That the Bill to incorporate the Trustees of the Hamilton Orphan Asylum, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Petition of the Mechanics' Institute of Hamilton, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Petition of William Atkinson and others, Officers of the St. Catharines Mechanics' Institute, be referred to the said Committee.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'" and have agreed to certain amendments, which they respectfully submit for the consideration of Your Honorable House.

Your Committee have also examined the Bill to establish and ascertain the rights

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of the Co-proprietors of the Common of St. Antoine de La Baie, and have agreed to report the same without any amendment.

Your Committee have examined the Bill to convey portions of a certain Road allowance in the Township of Barton, between Lots Nos. 14 and 15 in the fourth Concession, to James Hamilton and others, as Devisees in trust of P.H. Hamilton, and the Preamble thereof has not been proved to their satisfaction, in as much as the portion of Road allowance described therein as "being utterly useless to the public as a highway" would appear, by the statement set forth in the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton (referred to Your Committee,) and by other evidence before them, to be much used as a foot-path by parties residing on the top of the Mountain in that vicinity, who would suffer great inconvenience in the event of its being vested by Legislative enactment in

private individuals; Your Committee therefore cannot recommend that the said Bill be proceeded with.

On motion of Sir Allan N. MacNab, seconded by the Honorable Mr. Macdonald, Resolved, That this House doth concur in that part of the said Report which relates to portions of a certain Road allowance between Lots Nos. 14 and 15 in the fourth Concession of the Township of Barton.

Ordered, That Mr. Prince have further leave of absence until Wednesday the third of November next.

Ordered, That the Bill to establish and ascertain the rights of the Co-proprietors of the Common of St. Antoine de La Baie, be read the third time on Monday next.

Ordered, That the Bill to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-Laws for the better government of that part of said Township which lies in the immediate vicinity of the Falls of Niagara, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Return relative to St. Maurice Forges, and the Fiefs St. Maurice and St. Etienne, which was presented yesterday, be printed for the use of the Members of this House.

Ordered, That the Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'" as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Monday next.

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to further amend the Act for the shipping of Seamen at the Port of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to define and establish the Division Line between Upper and Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Friday next.

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Ordered, That the Order of the day for the House in Committee, on Monday next, on the Bill to incorporate the Grand Trunk Railway Company of Canada, and on the Fourth Report of the Standing Committee on Railroads, Canals, and Telegraph Lines, be then the first Order of the day.¹

Ordered, That the Order of this House of Wednesday last, giving precedence to Notices of Motions over Orders of the day on Mondays, be dispensed with on Monday next.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed a Bill, intituled, "An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office," was read for the first time.

On motion of the Honorable Mr. Morin, seconded by the Honorable Mr. Hincks, Ordered, That the Bill be read a second time on Tuesday next.

The Order of the day for the third reading of the Bill from the Legislative Council, intituled, "An Act to legalize and continue the Municipal Corporation of the Township of Torbolton," being read;

Ordered, That the Bill be read the third time on Monday next.

The Order of the day being read, for resuming the adjourned Debate upon the Question proposed on Tuesday the fifth instant, That the Bill to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture, be now read a second time;

And the Question being again proposed:--The House resumed the said adjourned Debate.²

MR. PRES. EX. COUN. CAMERON moved for the second reading of the bill establishing an Agricultural Bureau.³

MR. ROBINSON after alluding to the extraordinary manner in which a Minister of Agriculture had been established, said if the House was satisfied that the bill should be passed, let it do so, but it ought not to be without due consideration. His opposition, he said, did not arise from factious motives.⁴

MR. PRES. EX. COUN. CAMERON said the bill, without being ordered to a Committee, had been, in fact, before one during the last two months. He had ascertained the action of the Chairman, who had obtained information from every part of the country, and had adopted his suggestions in every particular except one. The present bill requires that Agricultural Boards shall raise £17 10s.; and persons favourable to the measure desire that the sum shall not exceed £10 for each township. The member for Waterloo, Mr. Fergusson, however, wished the sum to remain as at present.⁵

MR. R. CHRISTIE, of Gaspé, would like to know if it had been found necessary to establish agricultural bureaus in England, France, or any other country in Europe. Were not other descriptions of bureaus required? The whole was an experimental affair, and would cost the country a great deal of money; and already he understood there are half a dozen candidates for the office of Secretary. Before he should give his vote in favour of the bill, he must hear something more of the necessity of the measure.⁶

MR. PROV. SEC. MORIN said the member for Gaspé had given a piece of painful information to the House, that agriculture is an experiment in this country. That was too true. It is not an experiment elsewhere, and yet the United States are instituting a bureau of agriculture. In England there are institutions which obtain the sanction of Government; and on the Continent of Europe, there is not one Government which has not a bureau of agriculture. In France there has always been one. Connected with these are schools of a high order, there are also establishments for animals, and there are also normal schools. In Tuscany there is a very important institution connected with the Government, so there is also in Austria and Russia.⁷

Un petit débat en langue française [suivit.]⁸

MR. REC. GEN. TACHE dit qu'il espérait que la chambre ne s'opposerait pas à la seconde lecture de ce bill; cette mesure renfermait, dans ses dispositions, les suggestions les plus importantes faites depuis plusieurs années

par des comités nommés dans chaque session pour s'enquérir des meilleurs moyens d'avancer l'agriculture. M. Taché lut quelques parties des rapports de ces comités pour faire voir que les principales dispositions du bill étaient absolument basées sur leurs recommandations. Le bill pourvoyait à l'établissement de fermes modèles, chose que le pays désirait depuis longtemps. Le système proposé se composait de quatre organisations principales; il y aura d'abord des fermes-modèles, ensuite des sociétés de comtés comme celles qui existent aujourd'hui avec certains pouvoirs additionnels, puis une grande association générale pour chaque partie de la province, comme celle que nous avons aujourd'hui dans le bas-Canada, et enfin ce bureau, département ou ministère de l'agriculture qui servira puissamment à seconder le mouvement et la force qu'il requiert pour accomplir l'objet qu'il a en vue. Personne ne peut soutenir qu'une mesure de ce genre ne soit pas une amélioration; il ne peut y avoir qu'unanimité [sic] parmi les membres pour en appuyer le principe. Quant aux détails, il est facile de les amender en comité; le moteur du bill n'a pas d'objection à ce que la quatrième et la huitième clauses soient changées de manière à rencontrer les vues de ceux qui favorisent le principe de la mesure; il pensait qu'on ne pouvait rien demander de plus, et pour lui il n'hésiterait pas un instant à voter pour la seconde lecture.⁹

MR. CAUCHON se prononça énergiquement contre la mesure. Ce n'est pas qu'il crut qu'un ministère de l'agriculture ne fût pas avantageux, au contraire, le pays pouvait recueillir de grands avantages de l'établissement d'un département de ce genre. Mais puisqu'on voulait commencer à former de nouveaux ministères, pourquoi ne pas créer d'abord un ministère de l'instruction publique? pourquoi aussi ne pas créer en même temps un ministère du commerce? il pensait que tout cela devait marcher en même temps, et si quelque chose devait avoir la préférence, c'était l'instruction publique.¹⁰

MR. PROV. SEC. MORIN: il y a déjà un département de l'instruction publique.¹¹

MR. CAUCHON: Oui, mais le chef de ce département ne fait pas partie du ministère, comme fera celui du département de l'agriculture. Je voterai contre toute mesure tendant à créer un ministère de l'agriculture, tant qu'on n'aura pas créé un ministère de l'instruction publique.

Mais il y a une autre considération très-puissante, ajouta M. Cauchon, qui m'engage encore à voter contre cette mesure, c'est qu'elle n'a été proposée que dans le but de faire à un des ministres actuels une position légale et non compromettante. L'hon. membre pour le comté de Huron ne voulait pas accepter la charge de président du conseil qu'il avait signalée auparavant comme une sinécure, et comme on avait besoin de son influence pour la formation du cabinet, on lui dit: acceptez la présidence du conseil, et nous vous donnerons en sus la surveillance d'un département de l'agriculture. La conviction où je suis que sans cette circonstance la création de ce bureau n'aurait jamais été proposée à la chambre, m'engage à voter sans hésitation contre la mesure. Mais je dois dire aussi que, bien que je sois considéré probablement comme un des membres les plus conservateurs de cette chambre, cependant je ne veux pas détruire parmi nous le principe démocratique, ni enlever au peuple son initiative, et je dis qu'on porte atteinte à ce privilège en donnant à un homme qu'il n'a pas choisi lui-même l'emploi de veiller aux intérêts généraux de l'agriculture.¹²

MR. SOL. GEN. CHAUVEAU dit que si l'hon. membre pour le comté de Montmorency est conservateur, il est évident au moins qu'il y a quelque chose dans le pays qu'il ne veut pas conserver, c'est l'administration actuelle! (Rires.) M. Chauveau trouvait que c'était une bien pauvre raison que de s'opposer à l'établissement d'un ministère de l'agriculture parcequ'on ne proposait pas d'abord de créer un portefeuille de l'instruction publique. Quant à l'autre raison donnée par l'hon. membre, c'est-à-dire, que la charge n'était créée que pour régulariser

la position du président du conseil, il ne la croyait pas fondée: mais en supposant même que ce fût le cas, ce qu'il était loin d'admettre, ce motif n'était certainement pas suffisant pour justifier son opposition à une mesure trouvée bonne en soi: aumoins [sic] il était bien convaincu que ce motif n'aurait pas la même influence sur la détermination de la majorité des membres de la chambre.¹³

MR. DUMOULIN dit que lors de la première discussion survenue à propos de la seconde lecture de ce bill, il s'était déclaré fortement opposé à certains détails, principalement aux dispositions contenues dans la quatrième et la huitième clauses, et qu'il avait exprimé sa détermination de voter contre la mesure si ces détails n'étaient pas changés. Mais puisque les auteurs du bill, dit-il, ont bien voulu déclarer qu'ils étaient prêts à retrancher ces dispositions, puisque l'intention du ministère est évidemment de prendre conseil de cette chambre et de s'aider des lumières de tous ses membres pour atteindre un objet qu'on regarde comme désirable et comme avantageux aux intérêts généraux du pays, et passer une mesure qui reçoive l'approbation générale, je ne crois pas, dans cette circonstance, pouvoir refuser mon appui. Je dirai plus, puisque nous nous accordons à regarder comme bon le principe du bill, et que les auteurs de la mesure nous invitent à faire les suggestions que nous croirons convenables et rendre la mesure aussi parfaite que possible, nous ne devons pas hésiter à nous joindre à eux. Il est impossible de disconvenir que l'établissement d'un ministère de l'agriculture, chargé de donner l'activité aux diverses sociétés agricoles qui existent déjà, sera d'un grand avantage. Les intérêts du cultivateur auront alors une personne chargée de les surveiller; la population agricole aura un avocat pour la défendre, un agent pour porter ses réclamations devant le gouvernement du pays. Cette classe de la population occupera alors une plus large part de l'attention du gouvernement et les adversaires même du bill ne sauraient nier que si toutefois cette mesure ne produit pas le résultat qu'on en attend, au moins, elle ne peut faire de mal. Toutes ces raisons m'engagent à voter pour la seconde lecture du bill, me réservant de proposer en comité général, les amendements que je croirai nécessaires.¹⁴

MR. LEBLANC dit quelques remarques, mais ce monsieur a une voix si faible qu'il est presque impossible de l'entendre des galeries.¹⁵

MR. PAPINEAU said this was not a bill to improve agriculture; it was not a farmer but a politician that was to be placed at the head of it. Nor was it a bill to favour the husbandman; it was on the contrary intended to save from false position a man, who was to be in the ministry, but who was ashamed to take a place which he had declared to be a sinecure. He asked, too, whether Mr. Cameron had not already received a salary as President of the Council in spite of his hatred of the sinecure, before this law was passed. He complained of the political influence that was to be exerted on the Agricultural societies by this new plan and of the effects which the changes of ministry would produce.¹⁶

MR. SICOTTE répondant à M. Papineau et à M. Cauchon, dit qu'il y avait certainement beaucoup plus de politique dans les considérations faites par ces deux honorables membres qu'il n'y en avait dans la mesure proposée. Toutes les prétendues raisons qu'on avait énoncées ne pouvaient justifier un vote contre le bill.¹⁷ The bill was well calculated to effect a great good for the country, and that being so he would not oppose it, even though it had a political object.¹⁸ Quand même il devrait y avoir un ministère de l'instruction publique, comme le veut l'hon. député de Montmorency, et quand même l'intention des auteurs du bill serait de donner, comme on le prétend, une position légale au président du conseil, tout cela ne saurait nous engager à voter contre ce projet de loi; si la mesure est bonne en elle-même, nous devons l'accepter sans nous inquiéter de qui

elle vient: si la mesure est bonne en elle-même, il est injuste de supposer à ceux qui la proposent des motifs égoïstes ou injurieux....Le principe électif ne sera pas aboli par cette loi, quoiqu'on en dise. Les sociétés d'agriculture dans les différentes parties du pays n'en continueront pas moins à élire leurs officiers; et le chef même du bureau, le ministre de l'agriculture sera aussi sous le contrôle de l'élection populaire, puisqu'il lui faudra, pour se maintenir, le vote de la majorité parlementaire.

M. Sicotte fit voir ensuite les nombreux avantages que la population retirerait de cette mesure, entr'autres par la création de fermes-modèles, et par l'impulsion générale qu'elle donnerait à l'agriculture¹⁹ [but] it was impossible to have model schools and agricultural chairs, without the aid of the Government. The measure was not a novelty. In the United States the President had recommended such an office, and he concurred it most desirable to have one here, though he did not approve of all the clauses of the bill.²⁰

MR. LEBLANC ... also supported the measure.²¹

DR. FORTIER déclare qu'il avait souvent eu occasion d'entendre dans les campagnes les cultivateurs et particulièrement les officiers des sociétés d'agriculture se plaindre de ce que le gouvernement semblait négliger leurs intérêts. Ils désiraient un centre qu'ils pussent s'adresser pour obtenir l'appui ou les renseignements nécessaires, ils désiraient un chef chargé spécialement de prendre connaissance de leurs affaires. Aujourd'hui si les agriculteurs ou les sociétés d'agriculture ont besoin de renseignements, ils s'adressent au secrétaire-provincial. Cette [sic] officier, avec la meilleure volonté du monde, a tant d'autres choses à diriger, qu'il n'a guère le moyen de consacrer aux affaires agricoles le temps et l'attention qu'elles méritent. Ceux qui craignent que le ministre de l'agriculture n'exerce une trop grande influence sur la population agricole se trompent assurément; ils ne connaissent pas le peuple des campagnes; aucun ministre de l'agriculture, ni autre, ne pourra jamais exercer une influence dangereuse sur la classe des cultivateurs.

[Il] fit voir encore les autres grands avantages que pouvait avoir cette mesure; il était d'opinion que lorsqu'il s'agissait de mesures d'une aussi grande importance, on devait mettre la politique de côté pour ne s'occuper que du but. Quant aux raisons données par ceux qui désiraient justifier leur opposition, il les trouvait excessivement étroites, et il ne croyait pas qu'elles pussent avoir le moindre poids dans l'esprit des membres.²²

DR. LATERRIERE exprima sa détermination de voter pour la seconde lecture de ce bill: il n'était pas trop certain si la mesure aurait l'effet qu'on en espérait, mais il voulait au moins lui donner une épreuve; c'était une expérience qui ne pouvait avoir de résultats funestes, et qu'on ferait bien de tenter.²³

MR. STEVENSON said he was opposed to the principle of the bill. There are ... already county organizations. He was opposed to the details of the bill, and therefore should vote against a second reading.²⁴

MR. GAMBLE said, if the promotion of agriculture be secured by an agricultural bureau, he would vote for the bill. In the county which he represented, agricultural societies were got up in the best style. He had been mixed up with them, and had taken a great interest in their progress: but until he was called away to attend his parliamentary duties, he had never heard a word in favour of the present project, to enable the member for Huron to hold an office that is a sinecure. Under these circumstances, it seemed an extraordinary thing to call upon the House to sustain them in what they have done. The next thing would be to attach a salary, which must be paid by the farmers. He would ask gentlemen opposite if any petitions had been forwarded, or had the people desired such an

office; and if it were not desired, of what consequence was it, that it exists in other countries. Since February the President of the Council had been in the discharge of the duties of the office, and before asking for a bill, he should have told the House what he had found to do; but they had not heard a syllable which showed its necessity. Under these circumstances, he should oppose the second reading of the bill.²⁵

MR. TESSIER parla aussi en faveur du bill, jusqu'aujourd'hui il avait existé un manque d'organisation: beaucoup de comtés n'avaient pas de sociétés d'agriculture, malgré l'encouragement offert par la législature. C'est qu'il y avait trop d'apathie; il n'y avait rien pour mettre la machine en mouvement. L'organisation qu'on propose aujourd'hui pourra servir de remède à ce mal; elle réveillera les comtés de leur apathie. Elle aura l'effet de relever l'agriculture aux yeux de la population: en plaçant ainsi la tête de cette organisation dans le gouvernement même, en faisant le chef, ministre, membre du cabinet, président du conseil, on rend à l'agriculture l'honneur qu'elle a droit de revendiquer, et les cultivateurs trouveront en même temps dans cette organisation un moyen puissant pour renverser les obstacles qui s'opposent à l'amélioration et à la prospérité de l'agriculture dans ce pays. On aura des fermes-modèles. Les objections qu'on a soulevées contre le mode de la nomination de ce ministre sont futiles; il est clair que sous notre forme de gouvernement, ce ministre sera comme tous ses collègues, le produit de la volonté du peuple, puisque son choix ne pourra se faire sans l'assentiment de la majorité des représentants qui composent cette chambre.²⁶

MR. LACOSTE s'énonça pareillement en faveur du bill, ce qui l'engageait principalement à lui donner tout son appui, c'est l'espoir qu'avec cette mesure, nous aurions bientôt des fermes-écoles, des écoles agricoles, dans les diverses parties du pays. C'était là dans l'opinion de l'hon. monsieur, l'amélioration la plus nécessaire. Il pensait même que ce moyen, au moins dans l'état actuel des connaissances chez notre population, était préférable aux exhibitions auxquelles la mesure pourvoit pareillement. L'argent qu'on emploierait pour encourager les exhibitions pourrait être actuellement, plus avantageusement employé à établir un aussi grand nombre que possible de fermes-modèles.

M. Lacoste fit quelques autres remarques très-pratiques et qui prouvaient qu'il est bien au fait du sujet, et qu'il entend les intérêts du cultivateur.²⁷

MR. CLAPHAM before recording his vote wished to observe that as the products of Agriculture formed nine-tenths of the wealth of this province every measure likely to promote its increase deserved to be tried and encouraged. It was true that Agricultural Societies especially in the Upper part of this province, and the Township of Eastern Canada, had been eminently successful and productive of good, carried out as they were by a people who had the advantages of education and in the Mother Country a knowledge of all the modern improvements, but in the Seigniorial and rural parts of Lower Canada, where education was not so general, the measure under considerations [*sic*] was well calculated to diffuse valuable information and promote the prosperity of its inhabitants. He would therefore support the measure, especially now that the 4th and 8th clauses had been withdrawn.²⁸

MR. BADGLEY concurred in all that had been said of the importance of agriculture; and if he could possibly conceive that its advancement was the sole object of the bill--but that he did not conceive was so much the foundation of the measure, as the establishment of an office which is uncalled for. All the Minister of Agriculture would have to do, under the provisions of the bill, would be to receive reports from Agricultural boards, and to distribute to each its modicum of the Provincial allowance. He might possibly have to receive applications for

patents, which he believed was intended; and is to be a member of the Board of Statistics, of which he would have the charge. All these were matters that might be performed by a single clerk. As to applications for patents, these are received at present by a clerk in the Secretary's office, that gentleman not usually interfering, and who must depend upon a subordinate to fill up details. It was not essential, by the bill, that the Minister of Agriculture should know any thing of that science, and if not, what was the use of establishing the proposed bureau. He did not know but that a bureau of trade would be a useful institution; but it would be time enough to discuss that measure when the subject came up. Agricultural board in cities and districts in Lower Canada, he said, were doing very well.²⁹

MR. J. SMITH, of Durham, said the member for South York had stated, that he had not heard one word in favour of the bill on the part of his constituents. It was singular that a gentleman who had been sent here, as the exponent of the Agricultural classes, should state that their opinion had never been expressed in favour of the bill. He had heard from the member for Welland on a previous evening, and also from others, remarks in favour of an Agricultural Bureau: and yet the member for South York, for the purpose of obstructing the Government, would oppose the measure. He said he held in his hand a paper published in Upper Canada, called the Agriculturist, which doubtless expressed the views of agriculturists: who considered [that] the object of the establishment of a bureau would be, to let the farmers of Canada see that they were not neglected by the Government, and would be hailed with satisfaction. He referred to the Agriculturist, which stated that one of the effects of [a] party is to induce partisans to oppose a measure, without reference to its intrinsic merits. He was surprised at the conduct of the member for Montreal, who must know that an agricultural bureau is about being established in the United States.³⁰

MR. LACOSTE spoke in favour of the law as one intended to favour the agriculture of the Province by the establishment of Colleges and model farms.³¹

MR. ROSE spoke in favour of the creation of this ministry....³²

MR. FERGUSON said, it had been his intention to vote against the second reading, although he approved of its principle, and although he believed that his constituents generally would approve of the establishment of the bureau; for some of the details were so highly objectionable, that they would inflict more harm than the good otherwise to be effected would compensate for. As he was given to understand, however, that a fair opportunity would be afforded in Committee of the Whole to amend the bill, he should vote for the second reading, reserving to himself the right of voting against the third reading, if the amendments he desired were not made.³³

MR. PATRICK thought the bill was highly objectionable in its details from first to last³⁴ and complained that no one had been consulted about drawing it up³⁵. However, he certainly should not oppose the second reading, so as to offer an opportunity of amending the bill.³⁶

MR. AT. GEN. DRUMMOND did not claim any originality for the bill, as ... bureaus of agriculture existed in almost every country in Europe, and very properly, for he conceived that it was an especial duty of every Government to take care of agriculture.--This was a settled conviction in the minds of many members of the Government, who had urged it in vain on the attention of their friends in the Administration for years. He had himself entertained that opinion for years, and the President of the Council had advocated that principle for years.--He found that the opposition had dwindled down to a mere nothing, and was intended altogether on two clauses, which he would admit were obnoxious

(hear, hear, and laughter:) but they were mere matters of detail, and he thought his hon. friend had shown great ingenuity in inserting them as a tub for the whale. The member for Montmorenci had attempted to get up an excitement about the 8th clause, pretending that it would give the Government power to close the schools and universities, and turn the students into the street, in case answers were not furnished immediately to any questions put by the bureau; but it was a most Machiavelian attempt, of which no other member in the House would have been guilty. He would merely say in reply to that hon. gentleman, that the intention of the President of the Council in inserting that clause, was solely to secure the information which he required.³⁷

MR. R. CHRISTIE (Gaspé) in a jocular manner intimated his willingness to vote for the bill, provided that the Provincial Secretary would give an honest promise that he would insert a provision in the bill to make the Minister of Agriculture Minister of Fisheries also. If not, he would most certainly vote against it.³⁸

MR. PROV. SEC. MORIN replied that it would be an exceedingly difficult matter to establish fishing societies in every township in the Province, for he believed that in some counties there were no fish whatever. He explained that there was no necessity for establishing a minister of fisheries, as he, ex officio, had that department in his charge, for he believed that he was Secretary of the Navy of Canada.³⁹

MR. R. CHRISTIE would vote for the bill.⁴⁰

MR. CARTIER had heard that this bill was a job: he did not care, he would vote for any bill which was ... [beneficial for] the people of Canada, without enquiring whether it was or was not a job.⁴¹

MR. CLAPHAM would support the bill, as it afforded the means of advancing the interests of agriculture.⁴²

MR. J.A. MACDONALD (Kingston) admitted that the opposition was by degrees becoming beautifully less; and he was not surprised after the specimen they had of the means taken to produce that effect.⁴³ He acknowledged that a regularly constituted Board of Agriculture with a permanent head might probably do the farming interests some good⁴⁴. But what was the fact with respect to this bill? The President of the Council said that the office he filled was a sinecure, that as an honest man he could not take it, and in order to induce him to take it, this Bureau of Agriculture and Statistics was created for the purpose of giving him a great deal of work; and now he throws overboard the only two clauses in the bill which gave him anything to do. He stands, therefore, exactly in the same position as before the bill was introduced. The truth of the matter was that the bureau was created not for the benefit of the people, but for the benefit of the honourable gentleman, to provide a cover for his acceptance of an office which he described as useless; and the best of it was that he removed the cover himself, while the Attorney General, East, gets up and says that the two clauses which were to give the hon. gentleman something to do were obnoxious. It was a job, an unblushing, shameless and corrupt job. The paper of the hon. Inspector General said it was a "chisel:" and the excuse was, that it would cost the country very little; but he was not satisfied that it was going to be a very cheap "chisel," and so the country would find out. If the principal officer were a person at all competent for the discharge of the duties, the project would be less objectionable; if the member for Wentworth, or Mr. Buckland, or the Hon. A. Fergusson were appointed to it, he could understand that some benefit might be conferred on agriculture; but this business was altogether out of the range of abilities of the hon. gentleman opposite.⁴⁵ To appoint

a politician to such a place would be just as likely to be beneficial to agriculture, as it would be to the geological survey to appoint the hon. President of the Council to carry it on. What sort of a survey could be expected if a minister of the Crown replaced the gentleman whose scientific researches had done so much to make known the riches of the country. Just in the same way, he asked what was to be expected from a politician put at the head of Agriculture?⁴⁶ The prerogative of the Crown was well known. The Crown being the fountain of honour, could establish an office that was merely honorary; but if a salary is attached to the office, it is an infringement of the liberty of the subject to establish or make appointments to such an office without the consent of Parliament; and he held that the Government had acted unconstitutionally in creating this office and paying the hon. gentleman two quarters' salary, and then coming down to Parliament to compel their supporters to save them harmless.⁴⁷ He would vote against the bill because he believed it most unprincipled.⁴⁸

MR. RIDOUT believed agriculture the most important interest in the Province; and he would be glad to see an agricultural department of the government; but he was opposed to⁴⁹ the details of the⁵⁰ present bill and could not vote for it.⁵¹

MR. PRES. EX. COUN. CAMERON replied. He stated that he would abstain from answering the personal attacks made upon himself.⁵² It was hardly worth while to defend the Ministry against the charge made by the member for Kingston, that they had perpetrated a gross job in establishing the bureau for the purpose of securing his services, for the charge came with a very bad grace from the opposition, who defended the office of President of the Council, who sustained it against those who desired to abolish that office, and who fixed the salary which should be attached to it. The fourth and eighth clauses, which had excited so much opposition, had not been inserted out of any caprice of his own, but at the instigation of the Board of Agriculture of Upper and Lower Canada; and in corroboration of the statement, he read extracts from the letters of Mr. Edward Thomson, and Mr. Evans, recommending strongly the adoption of such clauses.⁵³ He enlarged on the importance of a patent office and statistics.⁵⁴ The importance of conjoining the office of President of the Board of Statistics with the office of Minister of Agriculture became apparent, from the fact that the supply of labour in this country is so unequal to the demand, in consequence of the emigration from it of the young men, that it has become necessary to spread statistical information through the countries of Europe, for the purpose of inducing immigration. If some measure of this kind is not adopted, it will soon be impossible for the small farmers to hire labour, from the rapid increase in the rate of wages. He believed that there is not a man in the whole country who would not be benefited by the bill.⁵⁵ He read the titles of about fifteen newspapers in Upper Canada, which he stated were in favor of the bureau, and that they formed a pretty good expression of the opinions of the press. Among these papers were the agricultural journals of Upper and Lower Canada.⁵⁶ It could scarcely be supposed that the Government would form a bureau for his especial benefit. He might not be in office for twenty-four hours. Honourable gentlemen therefore might spare themselves the anxiety which they exhibited for the political reputation of the member for Huron. The member for Huron might as well be left to take care of that himself. He had no fears on that score among the people of Huron, for this bill had been submitted to, and approved of by them.⁵⁷ With reference to the objections raised to the details of the bill, if the House were in favor of amendments they might be made in committee.⁵⁸ He was quite satisfied that the bill was popular among the people of Upper Canada, and also

that it would pass through the House by a larger majority than any other bill during the present session.⁵⁹

MR. MURNEY denounced this dishonest system of legislation which had been pointed out by the Attorney General, East, in describing it as throwing a tub to a whale. He concurred in the opinion expressed by the member for Kingston, that the bureau was created for the express purpose of securing the valuable services of the member for Huron to the Government, as it was found impossible to get on without him; and it was for this reason that the hon. gentleman had exhibited so much anxiety for the welfare of the farmers of Canada; but they had shown that they were well able to take care of themselves.⁶⁰ The present law was sufficient for them. They could form their associations and that was all they required. As for statistics, no new department was wanted for that.⁶¹ If there was to be any interference⁶², if Mr. Crofton's office required to be made more efficient, another clerk might be added to it⁶³. If any measures were to be taken to procure an increase of immigration, if the Government were worth a button, they would prepare plans of the different townships fit for settlement, and send the emigration agents to Europe during the winter, for the purpose of distributing them among the people.⁶⁴

MR. INSP. GEN. HINCKS.--The Government intend to do that.⁶⁵

MR. MURNEY.--The President of the Council can send them without becoming Minister of Agriculture.⁶⁶ We wanted no new department for that. And with regard to patents he had never heard that there had been any difficulty about them in Canada.⁶⁷ He was opposed to the bill in toto; all that it contained of good was old; all that it contained of new was bad; and he should, therefore, most decidedly oppose the second reading.⁶⁸

MR. MACKENZIE spoke in favor of the bill, and remarked generally upon the debate.⁶⁹

MR. LANGTON would vote for the second reading of the bill, as he approved of the principle of having a bureau of agriculture, but he objected to the details. He agreed with the short and pithy speech of the hon. member for Prince Edward, and would almost go as far as to say that all that was good in the bill was old, and all that was new was pernicious. He made some farther remarks upon the details of the bill⁷⁰.

(336)

And the Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Burnham, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Attorney General Drummond, Dubord, Dumoulin, Egan, Fergusson, Fortier, Fournier, Hartman, Hincks, Jobin, Lacoste, Langton, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, McDonald of CORNWALL, Mackenzie, Malloch, Marchildon, Mattice, McDougall, McLachlin, Morin, Patrick, Polette, Poulin, Rolph, Rose, Shaw, Short, Sicotte, Smith of DURHAM, Street, Stuart, Taché, Valois, White, Wright of East Riding of YORK, and Young.--(51.)

NAYS.

Messieurs Badgley, Brown, Cauchon, Dixon, Gamble, Lyon, MacDonald of KINGSTON, Sir A. N. MacNab, Merritt, Murney, Papineau, Ridout, Robinson, Seymour, Stevenson, Viger, and Willson.--(17.)

(337)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time.

The Honorable Mr. Cameron moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be committed to a Committee of the whole House;

The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Dixon, That all the words after "Bill" to the end of the Question be left out, in order to add the words "be referred to a Select Committee, composed of the Honorable Mr. Cameron, Mr. Street, the Honorable Mr. Merritt, Mr. Poulin, and the Mover, to report whether it is or is not expedient to establish a Bureau of Agriculture; with power to send for persons, papers, and records;"

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

MR. PRES. EX. COUN. CAMERON moved that the House go into committee on the bill.⁷¹

MR. ROBINSON made some remarks, contending that if the President of the Council attended to the duties of his office, he would not have much time for the duties of the Bureau. He continued to reply to several statements made during the debate, and spoke against the bill. He concluded by moving an amendment to the effect that the bill be not now referred to a committee of the whole House but to a select committee, with power to send for persons and papers, and report whether a Bureau of agriculture is required or not.⁷²

MR. CAUCHON reproached the Government [sic] and the Inspector General for getting angry, and referred to the Hon. R. Baldwin whose mild conduct when attacked he believed was worthy of admiration. He continued to speak at length against the details of the bill. As soon as the ministry abandoned the clauses which he had condemned, they showed that he was right.⁷³

(337)

Ordered, That the Bill be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Laurin reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Tuesday next.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin,

The House adjourned until Monday next.

APPENDIX: 22 OCTOBER 1852.

[NOTICE OF MOTION RE: COURT HOUSES AND GOALS.]

MR. SICOTTE [gave notice that he would move for a] Committee of the Whole, to take into consideration certain Resolutions relative to Assessments for the construction of Court Houses and Goals.⁷⁴

[NOTICE OF MOTION RE: QUEBEC TURNPIKE TRUSTEES.]

MR. LAURIN [gave notice that he would move for a] Select Committee to enquire into certain negligence on the part of the Quebec Turnpike Trustees.⁷⁵

[EXPLANATION RE: SIGNING OF THE STOCK BOOK OF THE MONTREAL AND KINGSTON RAILWAY COMPANY.]⁷⁶

SIR A. MACNAB explained that he had last evening made some remarks on the assumption that Mr. Young had signed the stock book of the Montreal and Kingston Railway Company, he now found it was not that gentleman, who had signed it.⁷⁷

MR. INSP. GEN. HINCKS said he understood, (but supposed he misunderstood) Mr. Young to say that it was not his nephew either who had signed it. He believed, however, that to be the fact.⁷⁸

MR. YOUNG said yes, it was his nephew.⁷⁹

FOOTNOTES: 22 OCTOBER 1852.

1. A brief commentary in LA MINERVE, 26 October 1852, reviewed discussions which preceded the placing of this measure on the orders of the day.
2. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 25 October 1852, MONTREAL GAZETTE, 26 October 1852, QUEBEC GAZETTE, 27 October 1852, PILOT, 27 October 1852, BRITISH COLONIST, 29 October 1852, HAMILTON SPECTATOR DAILY, 29 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852. The debate was also reported by: GLOBE, 4 November 1852; and LA MINERVE, 26 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 25 October 1852, MONTREAL GAZETTE, 25 October 1852, BRITISH COLONIST, 26 October 1852, GLOBE, 26 October 1852, EXAMINER, 27 October 1852, NORTH AMERICAN WEEKLY, 28 October 1852, and OTTAWA CITIZEN, 30 October 1852; MONTREAL GAZETTE, 23 October 1852, PILOT, 23 October 1852, BATHURST COURIER, 29 October 1852, and LA MINERVE, 23 October 1852. The debate was also noted by: BRITISH WHIG, 25 October 1852; and L'AVENIR, 27 October 1852.
3. GLOBE, 4 November 1852.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. LA MINERVE, 26 October 1852.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID. The reporter added: "J'ai compris cependant qu'il s'exprimait en faveur du bill."
16. MORNING CHRONICLE, 25 October 1852.
17. LA MINERVE, 26 October 1852.
18. MORNING CHRONICLE, 25 October 1852.
19. LA MINERVE, 26 October 1852.
20. MORNING CHRONICLE, 25 October 1852.
21. IBID.
22. LA MINERVE, 26 October 1852.
23. IBID.
24. GLOBE, 4 November 1852.
25. IBID.
26. LA MINERVE, 26 October 1852.
27. IBID.
28. MORNING CHRONICLE, 25 October 1852.
29. GLOBE, 4 November 1852.
30. IBID.
31. MORNING CHRONICLE, 25 October 1852.
32. IBID.
33. GLOBE, 4 November 1852.
34. IBID.
35. MORNING CHRONICLE, 25 October 1852.
36. GLOBE, 4 November 1852.
37. IBID.

38. IBID.
39. IBID.
40. IBID.
41. GLOBE, 4 November 1852. The ellipsis represents illegible words.
42. GLOBE, 4 November 1852.
43. IBID.
44. MORNING CHRONICLE, 25 October 1852.
45. GLOBE, 4 November 1852.
46. MORNING CHRONICLE, 25 October 1852.
47. GLOBE, 4 November 1852.
48. MORNING CHRONICLE, 25 October 1852.
49. IBID.
50. GLOBE, 4 November 1852.
51. MORNING CHRONICLE, 25 October 1852.
52. IBID.
53. GLOBE, 4 November 1852.
54. MORNING CHRONICLE, 25 October 1852.
55. GLOBE, 4 November 1852.
56. MORNING CHRONICLE, 25 October 1852.
57. GLOBE, 4 November 1852.
58. MORNING CHRONICLE, 25 October 1852.
59. GLOBE, 4 November 1852.
60. IBID.
61. MORNING CHRONICLE, 25 October 1852.
62. GLOBE, 4 November 1852.
63. MORNING CHRONICLE, 25 October 1852.
64. GLOBE, 4 November 1852.
65. IBID.
66. IBID.
67. MORNING CHRONICLE, 25 October 1852.
68. GLOBE, 4 November 1852.
69. MORNING CHRONICLE, 25 October 1852.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
75. IBID.
76. The following papers reported this explanation in identical accounts:
MORNING CHRONICLE, 25 October 1852, MONTREAL GAZETTE, 26 October 1852,
PILOT, 27 October 1852, QUEBEC GAZETTE, 27 October 1852, BRITISH
COLONIST, 29 October 1852, HAMILTON SPECTATOR DAILY, 29 October 1852,
HAMILTON SPECTATOR WEEKLY, 4 November 1852, and NORTH AMERICAN WEEKLY,
11 November 1852.
77. MORNING CHRONICLE, 25 October 1852.
78. IBID.
79. IBID.

MONDAY, 25 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. McDonald of Cornwall,--The Petition of George S. Jarvis, Esquire, and others, of the Town of Cornwall.

By Mr. Dubord,--The Petition of J. Wilson and others, Masters of Vessels, trading to the Port of Quebec.

By Mr. Cartier,--The Petition of the Mutual Fire Assurance Company for the County of Montreal.

By Mr. Tessier,--The Petition of Louis L'Hérault, Esquire, and others, of the Parish of St. Ambroise, District of Quebec.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General,--Supplementary Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 27th ultimo, for a Statement of all the Claims to Lands in the District of Gaspé under the Act 10 & 11 Vic. cap. 30, which to the present date remain unadjusted, and for which Patents have not been ordered; the names of the Claimants, the Townships or places wherein the Lands claimed are situate, the superficial contents in acres of each Lot claimed, the dates when the several claims were presented to the Executive, or to the Agent appointed by it for the purpose,

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together with any information on the subject which it may be deemed necessary to communicate to the House.

For the said Return, see Appendix (N.N.)

Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated 18th instant, for a Statement shewing to what Bankers in England the proceeds of Debentures were paid, and at what period, and in what sums the amounts so paid in England were drawn by the Provincial Government, and the dates and amounts of such Drafts or Bills of Exchange, and the parties to whom the same were payable.

For the said Return, see Appendix (F.F.F.)

Pursuant to the Order of the day, the following Petitions were read:--

Of William Henry Beresford, of the City of Toronto, Esquire, late a Captain in the Rifle Brigade, by his Attorney Clarke Gamble; setting forth: That in the month of July, in the year of our Lord one thousand eight hundred and fifty, the Petitioner was married to Catherine Lawrence, his now wife, at that time living in Montreal, Spinster: That the Petitioner and the said Catherine Lawrence lived and cohabited together as man and wife from the time of their marriage until the month of May, in the year of our Lord one thousand eight hundred and fifty-one: That unhappy differences caused by great violence of temper and uncontrollable bursts of passion on the part of the said Catherine Lawrence, during which the Petitioner's life was endangered, rendered it impossible for them to continue to reside together, and after consultation with friends and a negotiation of several months, it was agreed between them to live separate and apart; and the Petitioner communicated the unfortunate state of his family affairs to the brother of the said Catharine Lawrence [sic] her only surviving relative, who came to the Province of Canada at the time the separation took place, and with whom the said Catharine Lawrence [sic] left the abode of the Petitioner to return to Halifax, in the Province of Nova Scotia, her native place, in the month of July one thousand eight hundred and fifty one: That for some time after the departure of his said wife, the Petitioner was kept in ignorance of her place of residence, although it was stipulated at the time of the separation that he should always be made aware of

the same; that subsequently the Petitioner was told by her agent, that she resided at Rochester, in the State of New York; and upon inquiry was informed that she lived in the neighbourhood of Rochester, with her brother: That during the last winter, the Petitioner was satisfied that her brother was residing with her, although at the same time a person by the name of Daniel Gallagher, formerly (and while the said Catharine Lawrence [sic], the Petitioner's wife, was living with the Petitioner) a servant in the Petitioner's employment, was also an inmate of the same house, and was called by the Petitioner's wife her half-brother: That a short time since, the Petitioner had reason to believe that his wife had entered into and carried on an unlawful familiarity and criminal intercourse with the said Daniel Gallagher, and while the Petitioner took the necessary steps to satisfy himself of her guilt, she suddenly disappeared from her residence, but was subsequently traced by the Petitioner to the City of Rochester, where she and the said Daniel Gallagher passed as man and wife, under the name of Mr. and Mrs. Daniel Bradfield, and whither she had gone, as the Petitioner discovered, to be delivered of a child: That finding herself discovered, she returned home, and on Saturday the fourteenth day of August instant, was delivered of a female child, which is still living: That in consequence of the residence abroad of the said Daniel Gallagher, the Petitioner is unable to institute legal proceedings against him for such criminal conversation with his said wife: That the said Catharine Lawrence [sic] hath, by her criminal and adulterous behaviour as aforesaid, dissolved on her part the Bond of Marriage; and praying that leave may be given to bring in a Bill to dissolve the Marriage of the Petitioner with the said Catharine Lawrence [sic] and to enable him to marry

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again, and that he may have such other relief in the premises as the House shall think proper.

Of George B. Hall, Esquire, and others, of Peterborough East; and of Charles Perry and others, of Peterborough: praying for the passing of an Act to incorporate a Company for the construction of a Railroad from Peterborough to Cobourg.

Of John Gale, boatman, and Ellen Keenan, his wife, of the City of Quebec; complaining of the unjust and partial proceedings against, and subsequent conviction and imprisonment of her the said Ellen Keenan, in the year 1847, on the charge of an assault, and praying relief in the premises.

Of John Johnston and others, of the Township of Cornwall; of W.S. Porteous and others, Members of the Baptist Church in Montreal; and of Frederick O'Brien and others, of the Town of Barrie; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Canals.

Of the Commercial Bank of the Midland District; praying for the repeal of the Tax imposed on Bank issues.

Of Peter Fleming, of the City of Montreal, Civil Engineer; praying for aid to enable him to publish his discoveries on the Quadrature of the Circle, the Trisection of the Angle, and the Duplication of the Cube.

Of the Municipality of the Township of Nassagaweya; praying that the proceeds of the Clergy Reserves may be appropriated to Common Schools, or other general purposes.

Of Daniel Shoff and others, Inhabitants of Upper Canada; praying for the passing of an Act to incorporate all Medical Societies of different systems of practice, and to provide for the granting of Diplomas by such Societies.

Of Moses Schyler and others, Ojibwa, Oneida, and Munsee Chiefs and Indians, residing on the River Thames; praying that the Act for the protection of the Indians in Upper Canada may not be repealed as petitioned for, but that the said Act may be so amended as to protect the Indians more effectually from the evils

of intemperance.

Of John C. Ball and others, Councillors of the Municipal Council of the United Counties of Lincoln and Welland; praying for the passing of an Act to unite permanently the said Counties.

Of E. Lalonde and others, of the Parish of Ste. Marthe, County of Vaudreuil; praying that the site of the County Seat of the said County may remain where it is at present, but that should any alteration be deemed necessary in its locality, it may be removed to the said Parish of Ste. Marthe as the most central.

Of Thomas B. Prentiss and others, of the Township of Hull; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medical and mechanical purposes.

Of the Municipal Council of Municipality Number two, of the County of Ottawa; praying aid for the construction of a Road from Grenville in the County of Two Mountains, to Aylmer in the said County of Ottawa.

Of Messieurs Bowes and Hall and others, of the City of Toronto; praying that the Bill to authorize the construction of a Railroad from Hamilton to Toronto may be so amended that the said Railroad shall not be an extension of the Great Western Railroad, but that Books be opened for the subscription of Stock in said proposed Railroads in the said Cities, and along the proposed line thereof.

Of Frederick Fergusson and others, of the Town of Peterborough; praying for the passing of the Bill to extend the provisions of the 18th Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company, and that no authority be given to a certain other Company to construct a Bridge over the Rice Lake.

Of H. McKinstry and others, of the City of Hamilton; praying that the Bill to incorporate a Joint Stock Company for the purpose of supplying the said City with

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Water, may be amended, by the addition of certain names and the increase of the proposed Capital Stock thereof.

Of Edward Zealand, mariner; representing that he has sustained a certain amount of loss by reason of the withdrawal of the Government Steam-Tugs, and the detension of his Vessel in the Canal in consequence thereof, and praying relief.

Of L. Guérin and others, of the Parish of St. Eustache, County of Two Mountains; praying for the passing of an Act to prohibit the killing or trapping of Mink and Muskrat, from the 1st April to the 1st November in each year.

Of Thomas Verchères de Boucherville, of Boucherville, Esquire; praying indemnity by a grant of land for the loss sustained by him in consequence of his services during the late War with the United States.

Ordered, That the Petition of H. McKinstry and others, of the City of Hamilton, be referred to the Standing Committee on Miscellaneous Private Bills.

Mr. Polette, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to vest the Harbour of Port Hope, and adjacent premises, in Commissioners; and have agreed to certain amendments, which they respectfully submit for the consideration of Your Honorable House.

The Honorable Mr. LaTerrière, from the Select Committee to which was referred the Bill to amend the Law relative to the practice of Physic, Surgery and Midwifery in Lower Canada, presented to the House the Report of the said Committee; which was read.

For the said Report, see Appendix (G.G.G.)

Ordered, That the Bill and Report be committed to a Committee of the whole

House, for Thursday the fourth of November next, and be then the first Order of the day.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto, and have agreed to certain amendments; they have also considered the Instruction of Your Honorable House to consider the expediency of amending the said Bill, by authorizing the said Company also to construct a Branch Railway from such point on the said Great Western Railroad as they may deem advantageous, to Port Dalhousie on Lake Ontario, and beg to recommend that a Clause be added to the Bill in conformity therewith.

Your Committee have also examined the following Bills, and have agreed to recommend the same as severally amended:--

Bill to incorporate the Grand Junction Railroad Company.

Bill to incorporate the Cobourg and Peterborough Railway Company.

Bill to extend the provisions of the eighteenth Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company; and

Bill to authorize the construction of a Railroad from Galt to Guelph.

Ordered, That the Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto, as reported from the Standing Committee on Railroads,

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Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Bill to authorize the construction of a Railroad from Galt to Guelph, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Bill to incorporate the Cobourg and Peterborough Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Bill to incorporate the Grand Junction Railroad Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Wednesday next.

Ordered, That the Bill to extend the provisions of the eighteenth Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

Mr. Cartier, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, informed the House, that John White, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That John White, Esquire, do attend in his place in this House, To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to authorize

the Town of Dundas to grant its security to the Great Western Railroad Company on behalf of the Desjardins Canal Company for certain improvements on the said Canal," without any Amendment: And also,

The Legislative Council have passed the Bill, intituled, "An Act to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, 'An Act to provide for the appointment of Justices of the Peace for the more remote parts of this Province,'" with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the Montreal and New York Railroad Company to extend their Railroad, and to acquire the land necessary for such extension, and for other purposes relative to the said Company," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

The Order of the day for the House in Committee on the Bill to incorporate the Grand Trunk Railway Company of Canada, and on the Fourth Report of the Standing Committee on Railroads, Canals, and Telegraph Lines, being read;¹

MR. CAUCHON rose and stated that the recent statements of the Inspector General had changed the position of the government with respect to this question, and they had also changed his (Mr. Cauchon's) position. He therefore had an amendment to move, which would have the effect of giving all parts of the Province an assurance of having the aid of the Province in constructing railroads. He therefore moved, seconded by Mr. Stuart an amendment to the effect that the debate be postponed till Thursday next, for the purpose of moving the following resolutions on that day:--

1st. Resolved--That the Provincial Grand Trunk Line of Railway ought to embrace the whole space along the western to the extreme eastern frontier of Canada, passing through Hamilton, Toronto, Kingston, and Montreal, via the North Shore of the St. Lawrence to Quebec, and from thence following the line traced out by Major Robinson.

2nd. Resolved--That the Grand Trunk Provincial Railroad being of great importance to the general prosperity of the Province, and its construction being, besides, likely to involve the credit of the Province to a considerable amount, is, according to our constitutional system of government, an essentially governmental [*sic*] measure, and which should consequently originate with the administration.

3rd. Resolved--That to remove just apprehensions and guarantee to all parties in the country the full benefit of the possession of a Provincial Railway, the whole construction ought to be entrusted to one and the same Direction, in virtue of one law, and that the road be begun, if possible, simultaneously on all points of the line.²

MR. PROV. SEC. MORIN did not care what day was determined on, but he should vote against the motion. The member for Montmorenci had spoken of the altered position of the bill, which, he said, was no longer to be considered as a Government measure. It was the hon. member himself that had changed, for he had taken for granted on every former occasion, that the bill was not a Government measure. But when he says the Government has changed its sentiments as to railroads, that was another matter. He would not admit that there was any desire to neglect railroads. But the hon. member wishes to change the existing system of railroads, and he believed the result of the opposition to the bill would be, that there would be no railroads at all in the Province.³

Cries of "question, no debate."⁴

MR. BOULTON said he would merely state, that there was a rumour in town that the Provincial Secretary had resigned his seat in the Cabinet and he would like to know if it was true.⁵

Loud laughter from MR. CARTIER in which MR. AT. GEN. DRUMMOND and some other members joined.⁶

MR. BOULTON continued:--well, but he would like to know whether it were true or not⁷ and if so, if it had any relation to the present subject.⁸

MR. PROV. SEC. MORIN rose and said that he had occasion to look through a number of papers in his office, in relation to education⁹; that new colleges were continually springing up, and that the other day it was considered what could be done for education. He was, therefore, desirous of ascertaining what had been done ... and had examined a large number of papers on the subject, which were in his office, upon most of which he found action had been taken. These¹⁰ which were of no use ... he gave to a messenger to burn¹¹, the others he laid aside, and directed a messenger to take them to his house¹². Somebody saw it, and immediately the story spread that he was going to clear out.¹³

DR. LATERRIERE supported Mr. Cauchon's amendment and spoke in favor of the north shore railway, and the line of Major Robinson's survey below Quebec. He would not support the bill before the House, except in connection with those.¹⁴

MR. MARCHILDON opposed railroads generally.¹⁵

MR. R. CHRISTIE, of Gaspé, said, the member for Montmorenci wished the bill to be postponed till Thursday. Now, it must be recollected, that the Government was anxious that the bill should have been discussed last Wednesday, but the House determined to go into the details to-day; and he thought that determination should be adhered to. He was not disposed to consider the member for Montmorenci as the leader of the opposition: he spurned the idea: he would follow the Government in preference. There were several leading members of his party, whom he named, whom he said he could follow; but he would not follow the member for Montmorenci¹⁶. He would rather follow that of any other gentleman on any side of the House¹⁷ and considered his motion as nothing more than an attempt to give the Government trouble. He trusted they would show the hon. gentleman that he was not the leader of the opposition, and that the House would go into committee at once.¹⁸

MR. STUART said he came into the House as an independent member, and no matter to what party a gentleman belonged, he could support him, if he approved of what course he was pursuing. The House, he said, were at present called on to take into consideration a bill which had for its object one of the greatest measures ever known: involving property in Upper Canada, and a large amount in Lower Canada also. The proposed line of main trunk railroad would be an act of injustice to a large population on the north shore, whom it would place without the pale of civilization.¹⁹ He opposed the administration with some degree of regret; and he did so because the ministry had abandoned the north shore Railway. The administration had declared that they would make the North Shore Railroad no portion of the main trunk line. This was the ground on which he based his opposition to them, and he did so out of duty to his constituents, who felt their interest injured by the decision of the government, and had held public meetings to express their views. He complained of the great power of the Executive, and said that it was too much that they should decide what line the main trunk road should run. That power ought to be fixed by an act of Parliament. He read from the proclamation to show that the main trunk line was not in any

manner defined.²⁰ The proclamation describes a line running from an unknown point to another unknown point, but which studiously avoids the north shore of the St. Lawrence, between Quebec and Montreal²¹. He contended that leaving out the North Shore and adopting the Quebec and Richmond line as a part of the main trunk was unjust to a large portion of the people of Lower Canada, who lived on the St. Lawrence, not only on the North but the South shores; and he considered himself bound whatever might be the effect on the ministry to advocate their claims.²² His object in seconding the resolution, was to ascertain if there was a majority in favour of the measure.²³

MR. J. SMITH (Durham) called the member for Quebec to order²⁴.

MR. J.S. MACDONALD the SPEAKER informed Mr. Stuart, that he must speak to the postponement.²⁵

MR. PROV. SEC. MORIN said there was no objection on the part of the government to the North Shore railway²⁶.

Hear, from MR. INSP. GEN. HINCKS and other members.²⁷

MR. STUART, but you will not give the government guarantee to it.²⁸

MR. PROV. SEC. MORIN [said] that is another thing. (Loud cries of hear.)²⁹

MR. STUART, yes, and the hon. member for Terrebonne would "hear" for his countrymen. They were not to be trifled with in that manner, as the hon. member would find out. He stated that until recently he had understood that the government would make the North Shore Railway a part of the Trunk Line, and he went on to speak generally in its favour.³⁰ An additional reason, why he moved to postpone the consideration of the bill, [was] that, when the House agreed to go into Committee of the Whole to-day, he thought he would have had the support of the Government for a railway from Quebec to Montreal, as they did not oppose the bill at its second reading; and it was not till to-day that he understood they had any objections. He trusted the members for Upper Canada would act in the same manner, with reference to the rights of the inhabitants of this section of the Province, as they experienced at their hands.³¹

MR. INSP. GEN. HINCKS must confess that³², after the correspondence which had taken place upon the subject of this North Shore Railway and of which the hon. member must be aware, he was³³ a little surprised at the course which the hon. gentleman had taken, and the reasons he had given for his conduct. He had professed that as long as Parliament had been in session, he had only learned to-day, that the Government did not intend to give the guarantee to the North Shore line. It was most extraordinary that he should state this, when the parties interested in the road addressed a communication to the Government, asking if they intended to give the Provincial guaranty: at the same time forwarding certain documents. The answer which they received from the Railway Committee, was a request that they would forward the estimates and plans connected with the statements which had been transmitted; and the answer was, that no surveys had been made, and that they are unable to give any information. And although the member for Quebec knew that such a correspondence had taken place, yet he now comes forward and says, he believed till to-day, that it was the intention of the Government to give the guaranty to the North Shore line; and he said he was led to this conclusion, because the Government had not postponed the second reading of the bill, when, as a member of the Railway Committee, he knows very well that it does not follow, that because a bill has been allowed to be read a second time, the Government will not ultimately oppose the bill.³⁴ [The hon. member] complained of the time selected for bringing up this motion, and said it was not brought forward in a straight forward or manly manner.³⁵ Gentlemen

ought to have selected another time, and should have come forward months ago.³⁶ Why had the hon. member who proposed this motion temporarily taken charge of the bill of the hon. member for Verchères to incorporate the Main Trunk Railway Company, during his absence.³⁷ The member for Montmorenci ought not to have taken the bill out of the hands of the member for Verchères, if he intended to pursue the course he is now taking. They mistook the position of the Government if they supposed that by getting a certain number of members to join the opposition, they could compel the Government to adopt their views. He would tell them they mistook their men, and ten times over would rather cross the floor than submit to the opposition of such men. The member for Quebec, he said, was endeavouring to hold up the Government as being opposed to the north shore line, and as if unwilling to do what they consistently could to promote it. And he (Mr. H.) would tell him in the face of his constituents that instead of taking the course to promote that line, he was retarding it. He might laugh, but many of his influential constituents are of the opinion that the course he is taking will have any other effect than to promote that object. The object of the hon. member since he took his seat in the House was perfectly obvious--it was to endeavour to embarrass the Government, and turn the present incumbents out of office. Now, he asked gentlemen to consider calmly the situation of the North Shore Line. In 1849, there had been a number of railways before the country, and which, up to that time had not made any satisfactory progress. There seemed to be a general feeling that railroads might be advantageously constructed, and the railway system in Canada be much improved. Government, therefore, took up the questions and in 1849, a bill was passed, granting the Provincial guaranty of one half the cost of any road that was seventy-five miles in length. In 1850, the St. Lawrence and Atlantic Railway Company was making progress, and it was evident would soon be completed to the boundary-line. But the people of Quebec then saw the importance of obtaining a railway communication, not only with Montreal, but also with the United States; and they petitioned Parliament to give the guaranty to the line from Quebec to Richmond. It was a Quebec measure, and its members did not oppose it, nor did the Quebec interest in the House of Assembly say that the North Shore Line was wanted. If, however, these sentiments were entertained of which the member for Quebec was the exponent, ... [they ought] to come forward, and having been allowed the guaranty for the Richmond Line, to state that that was not the line they wanted, and endeavour to obtain the guaranty for the North Shore Road. If those who represent the interest of Quebec had pursued a manly course, they would have come forward and said they were not satisfied with the North Shore Line: but they endeavoured to procure for it the Provincial pledge, and when every thing is secure, they then turn round and say that was not the line they wanted.³⁸ Every Railway in Upper Canada might come in to claim the government guarantee, and the issue of debentures would be so large as to destroy our credit. That was not the way to make the North Shore line.³⁹ In 1851, the Government determined to make the Great Trunk Line to Halifax; still, not one word was said about the North Shore Line, and the faith of the Government became pledged to the Quebec and Richmond Railway. There had been a difference of opinion as to where the line should intersect the St. Lawrence and Atlantic line, and the Government wanted to ascertain what was most convenient; and that was the reason why Richmond was not mentioned in the Act. It must be obvious that the only effect which would be produced by violating the act of 1851, would be to break the compact with creditors in England. The only portion of the entire line from Quebec to Detroit, which at the time alluded to, had been completed--a distance of nine hundred miles, was the short section between Montreal and Richmond. At a period, he said, when the greatest unanimity is required, gentlemen are trying to upset the existing system, because, if the guaranty were given to the North Shore Road, then the Government must revert to the policy which it had to abandon, because it was found,

as he had before stated, to be detrimental to the interests of the Province, and they would risk the success of the whole railroad operations. Those who are friends of the North Shore Line may be assured that the Government is just as willing to see that line in operation as they could desire, but if the roads that are already contemplated are completed and it is ascertained that they will pay, assistance will be obtained for other roads; and as in that case there will be no charge on the revenue, there will be no objection to extending the guaranty, which, however, would not then be required, if it were shown that the roads would pay. The course of the hon. gentlemen opposite, he repeated, is to ruin the whole railroad system, and to render it probable that a through line cannot be completed. He denied that there had been any opposition to the North Shore Line; and assuming it to be the best line, yet it was not in the position which it ought to be which was owing in a great degree to the member for Quebec, who is a prominent individual, not coming forward at a proper time, and who now endeavours to get the guaranty for a parallel line--a course not very creditable to the hon. member.⁴⁰ The tactics of the hon. member ... (Mr. Stuart) had been sufficiently apparent since the commencement of the session.⁴¹

MR. BOULTON moved an amendment, to the effect that Tuesday week be substituted for Thursday next. He did so because he insisted it ought to be decided whether we should have a railway policy formed on principle or not⁴². [He] was proceeding to read editorial remarks from newspapers when--⁴³

He was called to order by MR. PRES. EX. COUN. CAMERON.⁴⁴

MR. BOULTON read the following extract from the Quebec Mercury, which he said was sometimes understood to speak the views of the Government:--"The conduct of the Government in reference to Mr. Jackson's railway project may well be called the lowest depth of political infamy." (Loud laughter and cries of order.) Now he would read from another paper, the Montreal Herald. The hon. member read a long extract, amid frequent interruptions on the point of order.⁴⁵

MR. J.S. MACDONALD the SPEAKER read the rule on the point of order⁴⁶.

On the question being put to the House, it was decided that Mr. Boulton should read⁴⁷.

MR. BOULTON ... [read] to the effect that a monstrous job⁴⁸, a pyramid of fraud⁴⁹, was about to be perpetrated by a system of "log rolling" in which Mr. Hincks was to participate with Mr. Jackson. Thus he saw that the Inspector General was publicly accused of corruption by a respectable paper, and he (Mr. B.) believed truly so. They would not see such statements day after day reiterated in respectable newspapers, unless there was some truth in them. It was not in human nature to make such charges groundlessly, for the mere purpose of wanton slander. He (Mr. B.) believed in those statements. He believed that a monstrous job was about to be perpetrated for the benefit of the Inspector General⁵⁰ and described the Inspector General as the Governor of the Province. The time, therefore, had arrived, when the House should say if the Government is to be ruled by one man. The Railroad bill had been stigmatised as a fraud, and he would stand by that opinion. It was a mere job, and the Inspector General was at the bottom of it, and he was to be benefited by the job.⁵¹

MR. INSP. GEN. HINCKS rose to order. The member for Toronto described a certain affair as a⁵² "monstrous job," of which he (Mr. H.) was to have the benefit. He asked the hon. member to prove that charge, and demanded that the words be taken down⁵³, as they impeach a member of the House.⁵⁴

MR. BOULTON said that he had not recollected using the words referred to.⁵⁵ --I said you were at the bottom of it, not that it was for your benefit.⁵⁶ If

he had said anything more, it was because he believed it.⁵⁷

MR. INSP. GEN. HINCKS repeated his understanding of Mr. Boulton's words, and added that efforts were industriously made to circulate reports and induce the belief that he was actuated by corrupt motives in reference to the main trunk railway. He defied anybody to show that he was guilty of any corruption.⁵⁸ He would defy the hon. gentleman to name an individual who had less interest in the success of railways than he had. He saw gentlemen around him whose property is to be benefited by the introduction of railways, but he was not the man to envy them; he could have no interest either direct or indirect in the measure before the House. Gentlemen, he said, might go on and degrade the country, but he would not sit in silence when such attacks were made⁵⁹. He challenged them to prove any corruption against him.⁶⁰ [He would] not allow it to be stamped all over the continent as being desirous of perpetrating a job.⁶¹ Let them, if they pleased, go on with their vile insinuations, but for God's sake he asked them to preserve and respect the honor and credit of their country. (Hear, hear.) He asked them to preserve the credit of that House.⁶²

MR. BOULTON again said--I only said you were at the bottom of the job.⁶³

MR. AT. GEN. DRUMMOND and MR. PROV. SEC. MORIN held that Mr. Boulton had used the words complained of by Mr. Hincks.⁶⁴

MR. BOULTON explained that he had not intended directly to charge the Inspector General with corruption.⁶⁵

SIR A. MACNAB said the hon. member had made use of words in the heat of debate which he did not intend, and had clearly retracted them. Besides, if the hon. Inspector General insisted that they should be taken down, he ought to have had that done immediately. It could not be done after debate.⁶⁶

MR. BOULTON would go on to explain the grounds of the statement he had made. Here the hon. member proceeded to refer at length to the main trunk railway bill, and contended that the permission given to Mr. Jackson to issue stock for £11,300 a mile, while the road could be made for much less, was a fraud. That stock would be taken to England and sold there as bona fide, while it was not really so. He then asked why the vested rights of a chartered company were to be interfered with? Those rights had been declared to be legal by the Hon. Mr. Black, the Hon. Mr. Lafontaine, and Mr. Rose. They were so; and why this hot haste on the part of the Inspector General and the government to take them away? He believed, however, the Lower Canadian portion of the government were in favour of retaining them. Mr. Jackson was not wanted to build this road. The Inspector General knew that the Montreal company were able to build it, and why did he want to take it away from them? He contended that all this did not look right, and that it gave weight and colour to the charges which had been proffered against the Inspector General, and induced him (Mr. Boulton) to believe them.⁶⁷

The hon. member was many times interrupted in the course of this argument by gentlemen from different sides of the house, on the ground that it was irrelevant to the question before the house, and out of order.⁶⁸

MR. BOULTON, amid the same interruptions, and frequent confusion in the house ... proceeded to argue that the government were tainted with corruption, and read from a pamphlet published by the hon. James Morris, in reference to the Commercial Bank; in which that gentleman had stated that he made use of his political influence with the government for the private benefit of the Bank.⁶⁹

MR. J.A. MACDONALD of Kingston, said that the Bank complained that Mr. Morris had not made terms favourable enough.⁷⁰

MR. BOULTON next referred to £100 given to Dr. Rolph for removal to Quebec from Toronto. He had no right to that, and it was proof that the Commissioner of Crown Lands was tainted with corruption. (Cries of order and confusion again arose.) Mr. Boulton also referred to the reduction of duties on red pine timber, which he said reflected gravely on the government.⁷¹

MR. ROBINSON rose to order, that matter was now before a committee[e] of which the hon. member was chairman and it was not fair to pre-judge the case.⁷²

MR. BOULTON proceeded to refer to the Municipal Loan.⁷³

MR. LANGTON called the hon. member to order.⁷⁴

MR. INSP. GEN. HINCKS said that the hon. member said something about the consolidated loan fund. The hon. member for Ontario knew all about that, but he would like to know what he (Mr. Boulton) dared to insinuate about it?⁷⁵

MR. BOULTON could not speak at all, unless he said all he had to say; and after a good deal of discussion, he stated that he had seen a gentleman who was constantly in communication with the hon. Inspector General. While he was here another gentleman of first rate respectability stated that that gentleman had drawn on the Bank of Upper Canada, on account of the Inspector General, £3,000⁷⁶ [OR] £30,000.⁷⁷ He was astonished to hear this at the time, but he afterwards learned that a transaction of that kind had taken place, though not through the Inspector General. He also heard that this gentleman had been taxed with the matter on board a steamboat and that he had not flatly denied it. For his part he was most anxious to learn that all these charges were untrue.⁷⁸

MR. INSP. GEN. HINCKS denied that there was any such draft.⁷⁹

MR. BOULTON said he believed not; but he asked if the hon. member would say whether any gentleman had obtained a large sum of money on his endorsement.⁸⁰

MR. INSP. GEN. HINCKS [replied] no. He knew nothing about it. Mr. Zimmerman was the gentleman referred to, and he know [sic] nothing of his affairs. If he got £3,000⁸¹ [OR] £30,000⁸² from that Bank, it was on better security than his (Mr. Hincks').⁸³

MR. AT. GEN. RICHARDS said the member for Toronto appeared to feel a deep interest in the affairs of the Bank of Upper Canada.⁸⁴ But from what he had heard, the hon. member had not always had so much care for that insinuation [sic].⁸⁵ If there had been someone to look after them some time since, its funds would have been in a better condition than at present.⁸⁶ Now suppose he (Mr. R.) were to ask for certain explanations, he supposed the hon. member ought to be very much obliged to him for doing so.⁸⁷

MR. GAMBLE called the hon. member to order.⁸⁸

MR. AT. GEN. RICHARDS [said] that was the way order came.⁸⁹ The hon. gentleman had been allowed to make charges against⁹⁰ the most respectable men, whose character was not tainted as that gentleman's was.⁹¹ He had stated that members of the Government for Upper Canada were tainted and had been permitted to make allusions, and allowed to go on to such an extent, that he had become afflicted with a species of mania, and, perhaps, that was the most charitable view that could be taken of his conduct⁹² [but] when he retorted he was immediately called to order.⁹³ The subject really under discussion, he said, had not been touched; if the member for Toronto was desirous of taking the place of either of the members of Government, let him make a motion to that effect, and they would bow to

the decision of the House; but all must desire these attacks to cease. Let him find out that he has a charge to make, and that it really has some foundation, and then let him bring it fairly before the House; but he (Mr. R.) trusted that he would not be permitted to continue his present course of proceeding.⁹⁴

MR. BOULTON rose to explain⁹⁵, the member for Leeds had made an insinuation against his character, and he⁹⁶ thanked the Attorney General for giving him an opportunity for which he had long wanted to communicate to this House and to the country, the step he had taken prior to his election, to refute the slanderous calumnies that were circulated to his prejudice. That it was well known that the vilest reports and statements were put in circulation; but⁹⁷, as he had observed, it was one thing to make charges, and another to prove them.⁹⁸ He had made no charge against Mr. Hincks, he asked for enquiry, he wished him and his government to go through the same ordeal he had voluntarily imposed upon himself. Prior to the last election for Toronto, he felt he had no right to ask for the support of his fellow citizens until he had afforded an opportunity of proving all or any one of the various calumnies that had been industriously circulated by his political opponents. For that purpose prior to his election he called a public meeting of the citizens [and had] procured the largest room⁹⁹ that could be found in Toronto¹⁰⁰ and invited the citizens to attend and substantiate upon any one charge against his public or private character. That the Mayor presided over one of the largest meetings ever held in St. Lawrence Hall, members of the influential merchants and gentlemen being present--that on the meeting being organized, he called upon any one present who had any charges against his public character to come forward and make it, and if not satisfactorily explained he would not offer himself for the Representation of the city, but no one came forward, no charge was made. He then called upon "Electro" the author [sic] of a scurrilous placard, to appear, but he declined. The meeting then all but unanimously passed a vote of confidence in him, and pledged themselves to support him at his election which he had triumphantly carried, and he now declared that if any one here or elsewhere would substantiate any charge against his public or private character he would at once withdraw from public life and abandon a position the most honourable a man can occupy.¹⁰¹ He would defy any one to prove a stain against his private character. And if at a meeting such as he had described, no one present could bring a charge against him, he would ask if it was right to impute to him improper conduct.¹⁰² He wished it to be understood ... [he] only wanted the government to go through the same ordeal, and nothing would give him more pleasure than to find they could relieve themselves from the charges made as triumphantly as he had done.¹⁰³

MR. CAUCHON replied to Mr. Hincks, that he, notwithstanding his own opinions and that of his friends, would not have acted, as he was now doing, unless the government had first of all, as a government, deserted the road. He, however, declared against the system of attacks on public men, as calculated to degrade all public men alike. But on his part he claimed to be sincere now as on the Richmond Road, when it was determined to guarantee that enterprise, Mr. Methot had spoken as strongly as possible in favour of the Northern route, and it was at length determined not to raise the subject of [the] route; but to leave it to the government. He had always preferred the Northern road; but was not opposed to the Richmond road. He considered, however, that the true main trunk line was the Northern route, and that the guarantee was given to the Richmond and Huron roads, only because they had already acquired privileges which it was determined not to take away.¹⁰⁴

MR. MACKENZIE thought that the speech of the member for Toronto, was exceedingly

out of taste, and the effect of that speech would be extremely bad. The language used by that hon. gentleman was calculated to prevent the Inspector General from giving that clear and lucid statement which he expected to hear before giving his vote for an actual appropriation of \$15,000,000. For his own part he knew nothing of the Inspector General's conduct, during the twenty-five years they had known each other, which was not extremely honourable. It was true that he differed with that hon. gentleman, sometimes as often as twice a day, but he lost sight of these differences when he remembered that the Inspector General was the only man in the country to take hold of the finances, when left all at sixes and sevens by gentlemen opposite, who were obliged to tell a poor schoolmaster that they could not pay the few pounds to which he was entitled: he could not forget that the Inspector General was the only man then to build up the credit of the country. The country was under many obligations to that hon. gentleman. Of course he had his faults, and he was pretty often told of them; but it was too bad to see a man so badgered, and abused as he was. It was unfair and unmanly altogether, and it was absurd to suppose that any man with the best temper under the canopy of heaven, let alone an Irishman, could stand it. The hon. gentleman seemed to think there was a combination formed for the purpose of driving Ministers out of the Government: for his own part he must say that he observed something very like faction on the opposite side. He did hope that it would be discontinued, and that hon. gentlemen on all sides of the House would approach the question with calmness.¹⁰⁵

MR. YOUNG said the object of the amendment was to obtain delay till Thursday. He would vote for that, because he desired to lay information before the country¹⁰⁶, which he had expected [but] not received¹⁰⁷, which he would not have time to get before then¹⁰⁸; and also, as some documents necessary to a clear understanding of the subject had not been laid before the House.¹⁰⁹ He believed that delay had and would do good, and thought that if contracts were given out for the best point of the road, independent of that part cast of Quebec, it would be very difficult to get the latter built on fair terms. He had information now which led him to believe that all the money necessary for the construction of a road from Halifax to Hamilton might be obtained in England at 3 or 3½ per cent. which would build the road on very favourable terms.¹¹⁰ If that was the case 600 miles of road would not cost more than the 360 which the Government propose to build.¹¹¹ At present £712,000 had been or would be laid out in Upper Canada, and only £220,690 in Lower Canada.¹¹²

MR. BOULTON ... [withdrew his amendment]¹¹³.

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Mr. Cauchon moved, seconded by Mr. Chapais, and the Question being put, That the said Order of the day be postponed until Thursday next; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Cauchon, Chapais, Dubord, Dumoulin, Fortier, Gendle, LaTerrière, LeBlanc, LeBoutillier, Lyon, Macdonald of KINGSTON, Malloch, Marchildon, McDougall, Papineau, Polette, Stuart, Tessier, Valois, Viger, and Young.--(23.)

NAYS.

Messieurs Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Attorney General Farrington, Ferguson, Fournier, Hartman, Hincks, Lacoste, Langton, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Sir A.N. MacNab, Mattice, Merritt, Morin, Murney, Paige, Patrick, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Seymour, Shaw, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Taché, White, Willson, and Wright of East Riding of York.--(44.)

So it passed in the Negative.

The House then resolved itself into the said Committee;

MR. CARTIER moved the adoption of the first enacting clause¹¹⁴ containing the names of the parties to be incorporated.¹¹⁵

MR. BROWN thought that the House should have some information as to the authority by which the names of the directors were put in the Bill. He understood that there was no Company formed as yet; and it became very desirable to know how those names got there. He thought that the House might make a much better selection.¹¹⁶

MR. CARTIER replied that they were inserted in compliance with the request of the petitioners.¹¹⁷

MR. BADGLEY was dissatisfied with the very meagre explanation given by the member for Verchères. He moved that all the names inserted in the bill be stricken out; and that in their stead be inserted the names of the persons composing the Montreal and Kingston Company.¹¹⁸

MR. INSP. GEN. HINCKS had never heard a more extraordinary proposition than that of the member for Montreal. He would like to know if there was any evidence that the parties named by him would act.¹¹⁹

MR. BOULTON said that the Inspector General should remember that if this proposition was extraordinary, the bill was equally so, as it proposed to put the direction of¹²⁰ the whole Board of Directors of a road from Montreal to Kingston¹²¹ into the hands of persons¹²² resident at Quebec¹²³, the majority of whom would have to make a journey of a hundred and eighty miles before they could see even one of the termini of the road.¹²⁴ He thought it would be very difficult to find a quorum.¹²⁵

MR. CARTIER replied that if the member for Toronto had read the bill he would have perceived that the board is to be composed of eighteen directors, nine of whom are to be elected by the shareholders and nine by the Government: it becomes, therefore, a matter of some importance that a sufficient number should be residents of Quebec, so as to have a quorum constantly at hand; and also to have the means of easily communicating with the Government.¹²⁶

MR. J.A. MACDONALD said, as we understood, that out of all the gentlemen, who had petitioned for this charter, only three were in the bill, and that petition he denounced as a fraud on the house, pointing out, as we understood, that some of the names had been written after the petition had originally been drawn up. He endeavored to show that names had been selected as if it had been the design to exclude those most interested in¹²⁷ the road.¹²⁸

MR. BOULTON¹²⁹ [OR] MR. PRES. EX. COUN. CAMERON¹³⁰ wondered that the hon. member for Montreal would waste his time in a course which never had been previously taken.¹³¹

MR. BADGLEY said if the usual course were to be taken the whole of the names on the petition ought to be in the bill. It was evident that many of the names had been signed after the petition was drawn, and many of the signatures were not those of parties mentioned in the petition.¹³²

MR. BROWN was astonished to hear the member for Huron talk of a bill being like a usual bill.¹³³ [He] perceived a great difference between this bill and ordinary railroad bills. Parties who come forward and petition for railroad charters were usually bona fide stockholders; but¹³⁴ every one knew that this bill was intended to get rid of £3,000,000 of the public money, and that¹³⁵

the persons whose names were inserted in the bill are mere dummies as far as the scheme was concerned--the real stockholder being Mr. Jackson, and yet the Government was going to hand over to them the control of six millions of dollars. In another point of view, the proposition was extremely unfair, as the great bulk of the names were those of persons residing in Montreal and Quebec, whilst only two were citizens of Toronto, and there was only one from Kingston. Then, again¹³⁶ it was known that this selection secured the road to a certain route, for¹³⁷ there was not a man in the list who was not pledged to a particular line, so far as Upper Canada is concerned--to a front line run to suit the purposes of the packed railroad committee; and he thought it only fair that some persons in favour of the back route and a middle route should be put on the board.¹³⁸

MR. PRES. EX. COUN. CAMERON said it was extremely unfair to interfere in this point with the petition for a charter. The simple point for the Committee to consider was, whether the bill was consistent with other railroad bills, and with the specifications; and whether it was prudent to give the Provincial guarantee for £3,000 a mile. Everything else was mere waste of time and misapplication of words.¹³⁹

The question was then put on the motion in amendment, and it was lost.¹⁴⁰

MR. BOULTON moved in amendment, that the names of the petitioners for the bill should be inserted as directors, in lieu of the names contained in the bill.¹⁴¹

MR. INSP. GEN. HINCKS could not consent to the motion, as the petitioners had not expressed their desire to become members of the Company, and as the names in the bill had not been inserted at their request.¹⁴²

MR. YOUNG pointed out a great difference between this bill and all others of similar character. In other railroad bills there was always a provision that stock-books should be opened to the public: whereas¹⁴³ the remarkable feature in this bill was that¹⁴⁴ there is no such provision, and the whole of the stock¹⁴⁵ to the amount of £3,000,000 was to be divided among 21 individuals, and the public were to be entirely excluded. In the case of the Montreal Company, they were obliged to keep their books open for subscribers.¹⁴⁶

MR. J.A. MACDONALD (Kingston) said that the great objection he had to the first clause was that although the Inspector General had held out as the inducement to pass the bill, the idea that Messrs. Peto, Betts & Brassey would take the whole of the stock, he did not find the name of one of these persons in the bill. If it were an honest bill, and if it were really intended to secure the assistance of those great English capitalists, their names would have been inserted. There was only one way of accounting for this strange fact: those gentlemen would not take the stock, and intended to act as mere contractors and make a good bargain with some one else.¹⁴⁷ The road was to be turned over to parties, whose consent in some cases probably was not asked, and¹⁴⁸ some ... are not worth a farthing, others reside altogether in Quebec, and¹⁴⁹ it was well known, would not invest a single farthing in the road. Some of them connected with the Richmond Road, and all acting in every thing with Mr. Jackson. The object was clearly to hand the road over to parties with whom Mr. Jackson would make the hardest bargain he could, without their having any interest in preventing it.¹⁵⁰ Yet it is to these persons that the Government make a show of handing over the control of a Company which is to exercise a most important influence on the interests of Canada.¹⁵¹

MR. CARTIER said that the imputation contained in the remarks of the member for Kingston ... was a sham Company and attempted to humbug the Government as

the Montreal and Kingston one had done, it must expect to meet the fate of that Company.¹⁵²

MR. INSP. GEN. HINCKS was not prepared for the very strenuous opposition which it evidently seemed to be the intention of the House to offer to every clause of the bill. He had certainly thought that after a recognition of the principle of the bill, hon. members would content themselves with endeavouring to perfect it in Committee. Hon. gentlemen might object to the construction of the road by Messrs. Peto, Betts, & Brassey, and to those gentlemen taking the whole of the stock, but the tenderness of some members for English capitalists was really amusing. Their confidence in the integrity of this firm, from years of experience, and from numerous transactions, was so great, that he was sure they would not pay any attention to whatever the hon. gentleman might say as to the intention of the firm to defraud them by charging too high a price for the work. As to the character of the work, Messrs. Peto, Betts, & Brassey were willing to bind themselves to construct a road superior to any in America, and quite equal to any of the English roads.¹⁵³ There was too much concealment about this matter. The principle of the scheme was that Messrs. [sic] Jackson should have the whole road. That principle might be objectionable; but if it were good, the clause must be so too.¹⁵⁴ The member for Montreal (Mr. Young) would say that it was not possible to construct a road better than some we now have; and that the price was, therefore, too high, but the hon. member had himself said that he would agree to give Mr. Jackson £8,000 a mile, if he only had the power of drawing up the specifications.¹⁵⁵

MR. BOULTON was willing to come to make a truce with the Inspector General on certain terms: would he accept the present charters, and allow Mr. Jackson to contract with the parties who hold them?¹⁵⁶

MR. INSP. GEN. HINCKS.--No.¹⁵⁷

MR. BOULTON.--well¹⁵⁸, would he consent to the insertion of a clause similar to that which exists in¹⁵⁹ the Montreal and Kingston bill¹⁶⁰ [and] other rail-road bills¹⁶¹, obliging the Company incorporated under it to surrender their road¹⁶² [and] that the Government should resume the charter¹⁶³ upon payment of¹⁶⁴ the cost of the road, together with interest at six per cent., and a bonus of 10 per cent?¹⁶⁵

MR. INSP. GEN. HINCKS.--No.¹⁶⁶

MR. BOULTON knew, however, that the Inspector General would not consent. His silence showed that he would not accept. The whole bill was founded in fraud. The directors have power to appoint an agent in London, with the right to do as he likes. He will do all stock jobbing to get rid of this enormous sum of £3,000,000 in bonds, and when the people of England find that they have been deluded, where will they look for a responsible person? Peto, Betts, Brassey & Co. have a character to lose, and they will not allow their names to appear. He did not believe that any member of the Government, excepting a gentleman who has a seat in the other House, has the confidence of the Inspector General with respect to this bill. The hon. gentleman had completely [sic] changed his tactics since last year.¹⁶⁷ To show that the opinions of the Inspector General upon railway matters could not be entirely depended on ... he read from a speech of the Inspector General last year, showing that the government ought to have the control of the whole road, and that the road would not cost more than £6,000 per mile¹⁶⁸ [OR] £5,000 a mile, at 3 per cent.; now he says it cannot be built, according to him, for less than £11,000 a mile.¹⁶⁹ According to this calculation last year, the hon. gentleman proved that the road from Halifax to Detroit could be built for £4,000,000 cy. Yet this bill

was based upon the principle that the road from Montreal to Hamilton, only about one-third of the distance, was to cost £300,000 stg. Between Montreal to Hamilton the road was to cost £1,500,000 cy.; but when Messrs.¹⁷⁰ Peto, Brassey, Jackson & Betts¹⁷¹ came¹⁷² out here under the hon. gentleman's influence¹⁷³ they were at once to¹⁷⁴ receive a bonus of some £2,000,000. It is a fallacy to suppose that we cannot build the road without the assistance of these great capitalists. We do not want them.¹⁷⁵ To show how unnecessary it was to bring Mr. Jackson here, he mentioned that the Toronto and Guelph Railroad Company without any government guarantee had disposed of £100,000 bonds at 6 per cent. interest for par, and £100,000 more at 5 per cent.¹⁷⁶ [OR] the city of Toronto has effected a loan of £160,000 at par on bonds at 6 per cent. for the construction of the Toronto and Guelph road; and not only that, but it has also obtained another loan for the same amount, on equally favourable terms at 5 per cent.¹⁷⁷ He mentioned other facts of the same kind to show that it would not be difficult to build the roads without any assistance from Mr. Jackson.¹⁷⁸ There was another fact also which he would mention: a Railroad Company in the repudiating State of Pennsylvania sent home an agent to effect a loan for \$3,000,000; he offered the loan to Rothschild, who said he would give a premium of \$320 for the bonds; and the entire loan was effected at the price. If those were facts, it must be apparent that if the road was built by the Province of Canada itself, the credit and standing of the Province would ensure a sale for the bonds at a premium of 30 per cent. in the English market. Then, what man in his senses would suppose that the Inspector General would bring out a man to this country, and agree to pay him £11,000 a mile, and pay 6 per cent. besides, when he could get it for 3 per cent. He had had a paper put into his hands by a contractor¹⁷⁹ [OR] subcontractor¹⁸⁰ on the Quebec and Richmond road, stating that he had taken thirty miles of the road at £1,500 a mile¹⁸¹, while Mr. Jackson got £6,500 per mile stg., or £8,000 cy.¹⁸²

A voice, that was for grading.¹⁸³

MR. BOULTON [continued:] that might possibly be merely for the grading, but it was a proof that the rates to be paid to Mr. Jackson were altogether too high. What made the matter worse was, that the Inspector General, to carry out his views, introduced a bill which would trample down vested rights, and override acts of Parliament, and for that bill he claimed the support of the House. It was a measure that, he had no hesitation in saying, could be defended on no ground whatever.¹⁸⁴

MR. BROWN said that when the Inspector General complained of the opposition made to the bill, after the principle had received the sanction of the House, he should remember that many of the members were opposed to both the principle and the details.¹⁸⁵ He complained that the government had reversed the order of things, and had left them to find out every particular of the bill instead of explaining it to them.¹⁸⁶ He believed that the bill was hurtful to the interests of Canada; that it proposed to consummate an unwise and injurious contract, entered into by the Inspector General, in a moment of spleen, when a far better offer was open to him. The hon. gentleman had no right to suppose that those members who disliked the whole project would not inquire closely into the details. The hon. gentleman's majority would, doubtless, pass the bill, and it was, therefore, an imperative duty to make it as unobjectionable as possible, and certainly there were some of the details, as they now stood, which were monstrous. Messrs. Peto, Brassey & Co. undoubtedly possess a high reputation, but they were like other men--if they undertook this work it would be with the view to make a good profit from it; and if the people of Canada were fools enough to give them more than it was worth, they would, of course, take it. It was very poor policy to

say, "Oh, they are gentlemen of high respectability; do not be scrupulous as to the terms you exact from them." Yet that was just the policy of the Inspector General. Look at the letter of the Inspector General to Mr. Jackson, in which he actually agrees to give for this work the scale of profits obtained by the firm for the construction of railroads in England and Europe, without even knowing what that scale was, or having seen the work! Did the House know now what that scale was? The Parliament of Canada is asked to pass this bill for the purpose, we are told, of carrying out a bargain with Mr. Jackson; but where is that bargain--where the specifications--where the terms? How can the Inspector General suppose that the House will assent to his bill while in ignorance of the more important facts. And, even if we had Mr. Jackson's European scale of prices, there would be no justice in making us pay here the European rates. We know that railroads are made cheaper in this country than in Europe--that the prices of land, of materials, and the cost of buildings are vastly cheaper in this country than in Europe. It was not necessary, nor was it desirable, to have the magnificent station-houses in this country which are erected in England. There were other strong reasons why the House should look with distrust on this bill. Why were not the names of the parties who are to construct the road found in it? Why is not the contractor's name in it? Why does it contain the names of parties as directors who cannot have, who are not alleged to have, the least interest in the road? What evidence is there that this road is to be of the superior character insisted on by the Inspector General?¹⁸⁷ Such loose conduct could not be found in the management of any great enterprise as had characterized the conduct of the government in relation to this. He contended that the whole scheme should be found in the bill; why was not that so? What were the government afraid of?¹⁸⁸

MR. INSP. GEN. HINCKS asked if the details of a contract were ever put in a bill for a charter?¹⁸⁹

MR. BROWN asked, could any other charter be pointed out, which gravely proposed to contract for the work at a scale of prices paid in France and Spain--without any one here knowing what that scale is? Could any other charter be shown in which the Directors were not bona fide holders of stock?--in which they are mere men of straw¹⁹⁰, mere dummies or middlemen¹⁹¹ between the contractors and those who are to do the work? There was no parallel between this bill and any other.¹⁹² There was never such a bill as that before the House.¹⁹³ The House is asked to vote away six millions of dollars of the public money--although there is not the slightest estimate on the table to guide hon. members as to the cost of the road or the character of the work. The road may cost only one-half, or it may cost twice the sum mentioned in the bill, as far as we know. The statements of the Inspector General, and of Mr. Howe last year in reference to this very work, and half-a-dozen times repeated, was, that it would not cost more than five or six thousand pounds per mile--and yet without any explanation or argument to show a change in the calculations--we are asked £10,000 a mile to Mr. Jackson. In order that the House might properly understand how the thing was arranged¹⁹⁴, he read a clause of the bill which proved that if one of the company should refuse to take his share of the stock the part not taken¹⁹⁵ is to be divided equally between twenty-one individuals named in the bill. Equally divided among them the share of each man would be £178,000; but did any person suppose any one of them was capable of taking stock to that amount?¹⁹⁶

MR. INSP. GEN. HINCKS.--Suppose they do not?¹⁹⁷

MR. BROWN was desirous of coming to that. If one or more of them refuse to take their share, the others may take such refused stock in addition to their own--and the intention is, that twenty out of twenty-one shall so refuse, and

that Mr. Henry Maynard Jackson, the son of the contractor, a very able and excellent young man, but far from being a capitalist, shall come in and take the whole! The moment fifteen thousand shares are taken, there is to be a meeting; these nominal directors ... and Henry Maynard Jackson, together with those persons to whom he chooses to lend stock momentarily are to make a bargain with his father for the price of the road. That is the meaning of the whole bill: there is to be a bargain between Jackson junior and Jackson senior, and the names introduced into the bill are merely there to cover the transaction. The whole control of the stock, and the control of the road, is to be left practically in the hands of strangers. And he called the attention of the House to one fact. However honorable a man might be, he did not object to a large contract if it was a good one--now the more expensive the construction of the work executed under this bill, the larger will Mr. Jackson's contract be, and the larger will be his profits. The company, or rather Messrs. Jackson & Co., were to have the power to issue stock to the extent of £3,000,000 sterling, which make the expense per mile £11,590.¹⁹⁸

MR. INSP. GEN. HINCKS said it was perfectly well known that the Government had received assurances of what would be the exact cost of the road; and it was nothing like the sum mentioned by the hon. gentleman.¹⁹⁹

MR. BROWN said, if the Government had assurances, the House had none. And why were not those assurances embodied in the bill? The House must take the bill as it stands; and forming an estimate by that bill, he repeated his statement. The company can issue £3,000,000 sterling in stock, which is £3,750,000 currency, and the premium on the Government bonds at the present price would be £191,250--or a total of £3,941,250 currency. Dividing this by 349--the number of miles to be built--gives precisely £11,592 per mile.²⁰⁰ Yet while that amount was given to Mr. Jackson, there was no guarantee whatever for the road.²⁰¹

MR. INSP. GEN. HINCKS said the road had to be made to the satisfaction of the Government.²⁰²

MR. BROWN [continued:] Then why not show that to the House. Never was the House of Assembly treated with such gross disrespect.²⁰³ He was perfectly astonished that the Government could make such a proposition. Something must have gone wrong with the Inspector General, when he supposed that the House would authorize the issue of such an immense amount of stock.²⁰⁴ He would not pass a bill to grant [it].²⁰⁵

MR. INSP. GEN. HINCKS asked whether the hon. member for Kent did not know that every charter authorized the Company to issue stock to a larger amount than²⁰⁶ the nett cost of the road? The company in the present case had made no request on that head.²⁰⁷

MR. BROWN replied, that it was preposterous for the hon. gentleman to attempt to set up a comparison between this company, and any other ever heard of in a civilized country.²⁰⁸

MR. J. SMITH, of Durham, said, that one of the provisions of the Consolidated Railway Act permitted companies to increase their capital, without coming to Parliament at all.²⁰⁹

MR. BROWN said that it did not affect this question at all. If this extravagant contract with Mr. Jackson were to be proceeded with, he hoped that the terms of the contract, and the specifications of the work, would be put in the bill, and commissioners appointed to see the stock placed properly on the market: when the stock was disposed of, and bona fide holders in existence [sic], they might

have any necessary powers they required.²¹⁰ The conduct of the government was loose and unstatesmanlike, for in coming down and proposing to undertake an immense public work without any survey or specifications before them.²¹¹ One other point he wished to notice, was the fallacy of the statements made as to the enormous cost of railroads in the United States. It was stated that the railroads in New York and Massachusetts cost \$40,000 a mile; but nothing was more untrue. Some of the roads there have been in operation for many years, and every year new additions to the cost have been made; and it is the aggregate expenditure, not the original cost, which comes to \$40,000 a mile. Here we have merely to estimate the expense of starting the road; and it was consequently absurd to institute a comparison. It was a complete delusion.²¹²

MR. J. SMITH asked what the sum the member for Kent would fix as a maximum?²¹³

MR. BROWN replied that he would fix none. It was the most ridiculous thing that a statesman ever attempted to fix the cost of a Railroad by Act of Parliament. But that was the present proposal of the Inspector General. Before any contract was made, before any price was agreed to be paid, contractors should be sent out, estimates prepared and examined, and the price then determined on. Here the bargain was made in a corner, and it might turn out that the people of Canada will have to pay double the price for which the work might have been done.²¹⁴

MR. YOUNG said the Inspector General had referred that evening, as he had on previous occasions to the selling of our Provincial Bonds, and of the Bonds of the proposed Railroad Company, as if Mr. Jackson was doing the Province a great favour by taking these Bonds in payment. He had some experience in selling Bonds as a merchant, and he had no hesitation in pledging any reputation he had, as a business man, that the premium which would be obtained was in selling the Provincial Bonds, which would more than cover any discount that would require to be submitted to on the Bonds of a railway company having a moderate capital. The fact was that the securities we had to offer were, if anything, better than cash, and in making a contract we should see we got a cash road. It was notorious that the great bulk of the stock was about to be subscribed by Mr. Jackson's son, although the Government might have nine directors. Mr. Jackson will have not only nine directors, but will have a majority, including the vote of the chairman--in fact a perfect control of putting in such work, taking such plans, or adopting such engineering, as he, the contractor, may choose.²¹⁵ He would appoint the chairman, the engineer, all the officers in fact, make a bargain with himself, and do what he told himself to do.²¹⁶ He thought this a most extraordinary position to place a contractor in. He (Mr. Young) had seen no plans, no profiles, no power of attorney, and had been unable to obtain the evidence he required, to satisfy the committee, as to any facts respecting the cost of the proposed road. He (Mr. Young) thought that there existed much misconception about the cost of constructing roads. The Inspector General told them that this was to be a most superior road; better than any other road on this continent. The bridges were to be built of iron, &c. He had seen nothing to convince him that this road was to be a superior one; on the contrary, he had much to convince him that it would not be superior. Mr. Jackson had made a contract with the Quebec and Richmond Road, while he (Mr. Y.) was a member of the Government and that contract had since been changed, to a contract at so much per mile. When the first tender²¹⁷ for the Quebec and Richmond Railroad at £6,500 per mile, was referred to the Railroad Commissioners²¹⁸, the rates were deemed by Mr. Killaly²¹⁹, they decided that that price was from 20 to 25 per cent. above cash rates²²⁰ and this opinion was communicated to the Quebec and Richmond Company; but it never occurred to him, that the company would not get the rates deemed so high made less.²²¹ He was very much astonished that the Company, instead of driving a hard bargain with

Mr. Jackson, put the work into his hands at that price.²²² This was explained when he found out that the whole body of the Directors in that road had only 216 shares among them; and that in a road costing £600,000 they had only invested some £11,000. He (Mr. Young) in the Railroad committee had asked the President of that company what the former contract was to cost, and why it was changed to one at so much per mile? His reply was that the former cost £50,000 more than the one under the new contract, and that the cost would be £8000 Cy., per mile. He (Mr. Young) had shown the specification to several eminent engineers, who stated that the road built on such a specification, would be of the same character as ²²³ the Ogdensburg, and many other²²⁴ ordinary roads in the United States, and would not cost over £6,000 per mile. Take the reply of the President as to the road costing £8000 and deduct 25 per cent, which Mr. Killaly declared the road would cost over cash prices, and you have £6,400 per mile. He (Mr. Young) had made every effort to be allowed to bring in witnesses to prove the character of the work, but was refused by the majority of the committee.²²⁵ He had asked Mr. Keefer, if it would be possible to construct a road which would really cost £8,000 per mile: he said "yes, but it would be a road of a very superior description."²²⁶ Roads in Ohio, Michigan, Illinois and other states, constructed within a few years, did not cost over £6250 per mile in every way complete; and²²⁷ from these facts it would be possible to ascertain what profit Mr. Jackson would make on the Trunk line, and also what likelihood there was of its being superior to all other roads on the continent.²²⁸ He contended that a gross injustice was being done to the people of this country by making the road cost nominally a higher sum, as higher rates of freight would be charged in consequence. At the same time this House was being a party to what he (Mr. Young) deemed a gigantic swindle. He could not help saying so; the road he was convinced would not cost over £7000 per mile, even on the best construction; but under this bill the pretended company had the power of issuing stock for £11,000 per mile, which difference [sic] the contractor had the power of putting in his pocket.²²⁹

The motion in amendment was then put to the vote and lost.²³⁰

MR. BOULTON moved an amendment to the effect that the twenty acres of land at the termini of the road should be specifically defined to be limited to railway purposes.²³¹

Motion lost.²³²

MR. YOUNG moved an amendment to the effect that the road should be commenced in six months instead of one year from the passing of the bill.²³³

Motion lost.²³⁴

MR. YOUNG moved an amen[d]ment to the 4th clause that the rates of fee should not exceed for first class passengers 2 cents per mile; second class, 1½ cent; and third class, 1 cent.²³⁵

Motion lost.²³⁶

MR. YOUNG moved an amendment which would have the effect to limit the stock to be issued by the company to £6000 currency per mile.²³⁷

Motion lost.²³⁸

MR. DIXON objected to the capital which the 4th clause proposed to give the company.²³⁹

MR. CRAWFORD was in favour of allowing the company a large capital, so that they might improve their road when necessary. He had seen the specifications

and he could state that a road built according to them would be found to be very expensive.²⁴⁰

MR. GAMBLE opposed the clause, and contended that under the clause an infinite amount of stock might be issued.²⁴¹

MR. CARTIER contended that there could be no risk from this clause. The company were obliged to keep books of their expenses, subject to the inspection of the government, and fraud might expose them to lose their charter. No stock could be issued beyond the expenses of the road.²⁴²

MR. INSP. GEN. HINCKS spoke to the same effect.²⁴³

SIR A. MACNAB said the issue of stock might be limited to three millions.²⁴⁴

MR. BROWN said any amount of stock might be issued under the 4th clause, and contended that the contract should be made a part of the bill.²⁴⁵

After some conversation, an amendment of MR. CARTIER, to limit the stock to £3,000,000 was carried²⁴⁶.

A number of clauses [were adopted]²⁴⁷.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow, and be then the first Order of the day.

Resolved, That a Message be sent to the Honorable the Legislative Council, requesting that their Honors will permit the Honorable George Strange Boulton, one of their Members, to attend the Select Committee of this House appointed to inquire into the course pursued by Treasurers and Sheriffs at the various Sales of Land for taxes in the Counties of Upper Canada, from 1830 to 1851, on Wednesday next, at Eleven o'clock in the forenoon, to be examined on the subject of the said reference.

Ordered, That Mr. Boulton do carry the said Message to the Legislative Council.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Gamble, seconded by Mr. Seymour,
The House adjourned.

APPENDIX: 25 OCTOBER 1852.

[NOTICE OF MOTION RE: KEEPERS OF COURT HOUSES.]

MR. GAMBLE [gave notice that he would introduce a] Bill to repeal so much of the 32nd George III, as applies to the appointment to the Office of Keeper of the Court Houses in the several Counties in Canada West, and to vest the same in the County Councils.²⁴⁸

FOOTNOTES: 25 OCTOBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 26, 27 October 1852, QUEBEC GAZETTE, 27 October 1852, MONTREAL GAZETTE, 28 October 1852, PILOT, 28, 29 October 1852, BRITISH COLONIST, 2 November 1852, EXAMINER, 3 November 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN WEEKLY, 11, 18 November 1852, and NORTH AMERICAN SEMI-WEEKLY, 12 November 1852. The following papers reported the debate in partially identical accounts: BRITISH COLONIST, 26 October 1852, BRITISH WHIG, 26 October 1852, GLOBE, 26 October 1852, HAMILTON SPECTATOR DAILY, 26 October 1852, MONTREAL GAZETTE, 26 October 1852, PILOT, 26 October 1852, EXAMINER, 27 October 1852, BATHURST COURIER, 29 October 1852 (which misdated the debate as 23 October 1852), OTTAWA CITIZEN, 30 October 1852, LA MINERVE, 26 October 1852, and L'AVENIR, 27 October 1852. The debate was also reported by: GLOBE, 4 November 1852; NIAGARA MAIL, 10 November 1852; and LE PAYS, 29 October 1852, which commented that "le débat fut très long et très animé." The debate was noted by JOURNAL DE QUEBEC, 30 October 1852. Commentaries appeared in: BRITISH COLONIST, 29 November 1852; and LA MINERVE, 30 October 1852 (which misdated the debate as 26 October 1852).
2. BRITISH COLONIST, 2 November 1852. Mr. Cauchon's Resolutions were erroneously reported as a Notice of Motion on the 26th October 1852 by: MORNING CHRONICLE, 28 October 1852, and MONTREAL GAZETTE, 30 October 1852.
3. GLOBE, 4 November 1852.
4. BRITISH COLONIST, 2 November 1852.
5. GLOBE, 4 November 1852.
6. BRITISH COLONIST, 2 November 1852.
7. IBID.
8. GLOBE, 4 November 1852.
9. BRITISH COLONIST, 2 November 1852.
10. GLOBE, 4 November 1852.
11. BRITISH COLONIST, 2 November 1852.
12. GLOBE, 4 November 1852.
13. BRITISH COLONIST, 2 November 1852. The reporter added: "This was the phrase we understood Mr. Morin to use."
14. BRITISH COLONIST, 2 November 1852.
15. IBID.
16. GLOBE, 4 November 1852.
17. BRITISH COLONIST, 2 November 1852.
18. GLOBE, 4 November 1852.
19. IBID.
20. BRITISH COLONIST, 2 November 1852.
21. GLOBE, 4 November 1852.
22. BRITISH COLONIST, 2 November 1852.
23. GLOBE, 4 November 1852.
24. IBID.
25. IBID.
26. BRITISH COLONIST, 2 November 1852.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. GLOBE, 4 November 1852.
32. IBID.
33. BRITISH COLONIST, 2 November 1852.
34. GLOBE, 4 November 1852.

35. BRITISH COLONIST, 2 November 1852.
36. GLOBE, 4 November 1852.
37. BRITISH COLONIST, 2 November 1852.
38. GLOBE, 4 November 1852. The ellipsis represents illegible words.
39. BRITISH COLONIST, 2 November 1852.
40. GLOBE, 4 November 1852.
41. BRITISH COLONIST, 2 November 1852. LE PAYS, 29 October 1852, commented that: "M. Hincks parla avec sa brusquerie ordinaire, et sur le ton provoquant qu'on lui connaît, reprochant aux moteurs des résolutions d'être inconséquents et de vouloir embarrasser l'administration. 'On s'est trompé, dit-il, si on a cru qu'en se coalisant ainsi, on contraindrait[sic] le ministère d'accorder ce qu'on lui demande. On ne me connaît pas, si on croit que je puisse être contraint de cette manière. J'aimerais mieux dix fois abandonner mon siège et aller m'asseoir sur les bancs en face de moi, que d'y consentir.' Quelle indépendance!"
42. BRITISH COLONIST, 2 November 1852.
43. GLOBE, 4 November 1852.
44. IBID.
45. BRITISH COLONIST, 2 November 1852.
46. IBID.
47. IBID.
48. IBID.
49. GLOBE, 4 November 1852.
50. BRITISH COLONIST, 2 November 1852.
51. GLOBE, 4 November 1852.
52. IBID.
53. BRITISH COLONIST, 2 November 1852.
54. GLOBE, 4 November 1852.
55. IBID.
56. BRITISH COLONIST, 2 November 1852.
57. GLOBE, 4 November 1852.
58. BRITISH COLONIST, 2 November 1852.
59. GLOBE, 4 November 1852.
60. BRITISH COLONIST, 2 November 1852.
61. GLOBE, 4 November 1852.
62. BRITISH COLONIST, 2 November 1852.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. GLOBE, 4 November 1852. BRITISH COLONIST, 2 November 1852, reported that Mr. Boulton quoted £3,000, however, the following papers reported that he had quoted £30,000: MORNING CHRONICLE, 26 October 1852, QUEBEC GAZETTE, 27 October 1852, MONTREAL GAZETTE, 28 October 1852, PILOT, 28 October 1852, EXAMINER, 3 November 1852, GLOBE, 4 November 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852.

78. BRITISH COLONIST, 2 November 1852.
79. IBID.
80. IBID.
81. IBID.
82. GLOBE, 4 November 1852. The following papers reported that Mr. Hincks quoted £3,000: MORNING CHRONICLE, 26 October 1852, QUEBEC GAZETTE, 27 October 1852, PILOT, 28 October 1852, BRITISH COLONIST, 2 November 1852, and EXAMINER, 3 November 1852. He was reported as having quoted £30,000 by: MONTREAL GAZETTE, 28 October 1852, GLOBE, 4 November 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852.
83. BRITISH COLONIST, 2 November 1852.
84. GLOBE, 4 November 1852.
85. BRITISH COLONIST, 2 November 1852.
86. GLOBE, 4 November 1852.
87. BRITISH COLONIST, 2 November 1852.
88. IBID.
89. IBID.
90. GLOBE, 4 November 1852.
91. BRITISH COLONIST, 2 November 1852.
92. GLOBE, 4 November 1852.
93. BRITISH COLONIST, 2 November 1852.
94. GLOBE, 4 November 1852.
95. BRITISH COLONIST, 2 November 1852.
96. GLOBE, 4 November 1852.
97. BRITISH COLONIST, 2 November 1852.
98. GLOBE, 4 November 1852.
99. BRITISH COLONIST, 2 November 1852.
100. GLOBE, 4 November 1852.
101. BRITISH COLONIST, 2 November 1852.
102. GLOBE, 4 November 1852.
103. BRITISH COLONIST, 2 November 1852.
104. IBID.
105. GLOBE, 4 November 1852.
106. BRITISH COLONIST, 2 November 1852.
107. GLOBE, 4 November 1852.
108. BRITISH COLONIST, 2 November 1852.
109. GLOBE, 4 November 1852.
110. BRITISH COLONIST, 2 November 1852.
111. GLOBE, 4 November 1852.
112. BRITISH COLONIST, 2 November 1852.
113. GLOBE, 4 November 1852.
114. IBID.
115. BRITISH COLONIST, 2 November 1852.
116. GLOBE, 4 November 1852.
117. IBID.
118. IBID.
119. IBID.
120. IBID.
121. BRITISH COLONIST, 2 November 1852.
122. GLOBE, 4 November 1852.
123. BRITISH COLONIST, 2 November 1852.
124. GLOBE, 4 November 1852.
125. BRITISH COLONIST, 2 November 1852.
126. GLOBE, 4 November 1852.

127. BRITISH COLONIST, 2 November 1852.
128. PILOT, 29 October 1852.
129. BRITISH COLONIST, 2 November 1852, and EXAMINER, 3 November 1852, attributed this comment to Mr. Boulton.
130. The following papers attributed this comment to Mr. Cameron: QUEBEC GAZETTE, 27 October 1852, MORNING CHRONICLE, 27 October 1852, MONTREAL GAZETTE, 28 October 1852, PILOT, 29 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 12 November 1852, and NORTH AMERICAN WEEKLY, 18 November 1852.
131. BRITISH COLONIST, 2 November 1852.
132. IBID.
133. IBID.
134. GLOBE, 4 November 1852.
135. BRITISH COLONIST, 2 November 1852.
136. GLOBE, 4 November 1852.
137. BRITISH COLONIST, 2 November 1852.
138. GLOBE, 4 November 1852.
139. IBID.
140. IBID.
141. IBID.
142. IBID.
143. IBID.
144. BRITISH COLONIST, 2 November 1852.
145. GLOBE, 4 November 1852.
146. BRITISH COLONIST, 2 November 1852.
147. GLOBE, 4 November 1852.
148. BRITISH COLONIST, 2 November 1852.
149. GLOBE, 4 November 1852.
150. BRITISH COLONIST, 2 November 1852.
151. GLOBE, 4 November 1852.
152. GLOBE, 4 November 1852. The ellipsis represents illegible words.
153. GLOBE, 4 November 1852.
154. BRITISH COLONIST, 2 November 1852.
155. GLOBE, 4 November 1852.
156. IBID.
157. BRITISH COLONIST, 2 November 1852.
158. IBID.
159. GLOBE, 4 November 1852.
160. BRITISH COLONIST, 2 November 1852.
161. GLOBE, 4 November 1852.
162. BRITISH COLONIST, 2 November 1852.
163. GLOBE, 4 November 1852.
164. BRITISH COLONIST, 2 November 1852.
165. GLOBE, 4 November 1852.
166. BRITISH COLONIST, 2 November 1852.
167. GLOBE, 4 November 1852.
168. BRITISH COLONIST, 2 November 1852.
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170. BRITISH COLONIST, 2 November 1852.
171. GLOBE, 4 November 1852.
172. BRITISH COLONIST, 2 November 1852.
173. GLOBE, 4 November 1852.
174. BRITISH COLONIST, 2 November 1852.
175. GLOBE, 4 November 1852.
176. BRITISH COLONIST, 2 November 1852.

177. GLOBE, 4 November 1852.
178. BRITISH COLONIST, 2 November 1852.
179. GLOBE, 4 November 1852.
180. BRITISH COLONIST, 2 November 1852.
181. GLOBE, 4 November 1852.
182. BRITISH COLONIST, 2 November 1852.
183. IBID.
184. GLOBE, 4 November 1852.
185. IBID.
186. BRITISH COLONIST, 2 November 1852.
187. GLOBE, 4 November 1852.
188. BRITISH COLONIST, 2 November 1852.
189. IBID.
190. GLOBE, 4 November 1852.
191. BRITISH COLONIST, 2 November 1852.
192. GLOBE, 4 November 1852.
193. BRITISH COLONIST, 2 November 1852.
194. GLOBE, 4 November 1852.
195. BRITISH COLONIST, 2 November 1852.
196. GLOBE, 4 November 1852.
197. IBID.
198. GLOBE, 4 November 1852. The ellipsis represents illegible words.
199. GLOBE, 4 November 1852.
200. IBID.
201. BRITISH COLONIST, 2 November 1852.
202. IBID.
203. IBID.
204. GLOBE, 4 November 1852.
205. BRITISH COLONIST, 2 November 1852, reported Mr. Brown as having said: "We should pass a bill to grant an immense amount of extra stock."
206. GLOBE, 4 November 1852.
207. BRITISH COLONIST, 2 November 1852.
208. GLOBE, 4 November 1852.
209. IBID.
210. IBID.
211. BRITISH COLONIST, 2 November 1852.
212. GLOBE, 4 November 1852.
213. IBID.
214. IBID.
215. BRITISH COLONIST, 2 November 1852.
216. GLOBE, 4 November 1852.
217. BRITISH COLONIST, 2 November 1852.
218. GLOBE, 4 November 1852.
219. BRITISH COLONIST, 2 November 1852.
220. GLOBE, 4 November 1852.
221. BRITISH COLONIST, 2 November 1852.
222. GLOBE, 4 November 1852.
223. BRITISH COLONIST, 2 November 1852.
224. GLOBE, 4 November 1852.
225. BRITISH COLONIST, 2 November 1852.
226. GLOBE, 4 November 1852.
227. BRITISH COLONIST, 2 November 1852.
228. GLOBE, 4 November 1852.
229. BRITISH COLONIST, 2 November 1852.
230. GLOBE, 4 November 1852.

- 231. BRITISH COLONIST, 2 November 1852.
- 232. IBID.
- 233. IBID.
- 234. IBID.
- 235. IBID.
- 236. IBID.
- 237. IBID.
- 238. IBID.
- 239. IBID.
- 240. IBID.
- 241. IBID.
- 242. IBID.
- 243. IBID.
- 244. IBID.
- 245. IBID.
- 246. IBID.
- 247. IBID.
- 248. HAMILTON SPECTATOR WEEKLY, 25 November 1852.

TUESDAY, 26 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--
By Mr. Dixon,--The Petition of Lawrence Lawrason, Esquire, and others, of the Town of London.

By Mr. Ridout,--The Petition of John McDonald, Esquire, and others.

By Mr. Boulton,--The Petition of William Lambert and others, of a Suburban part of the City of Toronto.

By Mr. Sicotte,--The Petition of the Reverend Edouard Crevier and others, representing the Fabrique of the Parish of St. Hyacinthe.

Mr. Gamble reported from the Select Committee on the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the Bill to vest the Harbour of Port Hope, and adjacent premises, in Commissioners, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to authorize the Montreal and New York Railroad Company to extend their Railroad, and to acquire the land necessary for such extension, and for other purposes relative to the said Company," and the same were read, as follow:--

Page 7, line 48. After "Railroad" insert "doing as little damage as may be, and making satisfaction in the manner provided by the said last mentioned Act to the owner or proprietor of or person interested in such land for all that he may lose or suffer by reason of such entry and felling or removing as aforesaid."

Page 12, line 19. After "Directors" insert "with the counter-signature of the Secretary of the Company."

Page 12, line 22. After "such" insert "with the counter-signature of the Secretary of the Company as such."

Page 12, line 28. After "Directors" insert "or Secretary."

Page 15, line 38. After "votes" insert "and provided also that a share or shares that shall have been held for a less period than three calendar months immediately prior to any such occasion shall not entitle the holder or holders to vote on such occasion either in person or by proxy."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Young do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

The Bill from the Legislative Council, intituled, "An Act to legalize and continue the Municipal Corporation of the Township of Torbolton," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Malloch do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same, without Amendment.

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Mr. Dubord, from the Committee on the Report of the Select Committee to which was referred the Petition of John K. Roche, of the Town of Port Hope, and another reference, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to pass a Bill to authorize and require the Municipal Council of the United Counties of Northumberland and Durham, to provide for the payment of the sum of Two hundred and fifty pounds, being the balance due to John K. Roche, Deputy Provincial Surveyor, and interest thereon from the date of certain orders given to him by the Justices of the Newcastle District, as well as the sum of Fifty-two pounds eight shillings and two pence, being the costs of certain legal proceedings taken by him for the recovery of a balance due him, for the Survey of the Township of Hamilton contracted for by the said Justices.

The said Resolution, being read a second time, was agreed to.

Ordered, That Mr. Smith of Durham have leave to bring in a Bill for the relief of John K. Roche, Esquire, Deputy Provincial Land Surveyor.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

The Bill to establish and ascertain the rights of the Co-proprietors of the Common of St. Antoine de La Baie, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Dumoulin do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Fortier, from the Committee to consider of fixing a Tariff of Fees to be paid by Suitors on certain proceedings in County Courts in Upper Canada, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to authorize the imposition of a Tariff of Fees to be paid by Suitors in certain proceedings in Equity in County Courts in Upper Canada.

The said Resolution, being read a second time, was agreed to.

Ordered, That it be an Instruction to the Committee of the whole House on the Bill to confer Equity Jurisdiction upon the several County Courts in Upper Canada and for other purposes therein mentioned, to make provision therein, pursuant to the said Resolution.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Quebec Temperance Hall Association; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. McLachlin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received,

Mr. McLachlin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council do give leave to the Honorable Mr. Boulton, one of their Members, to attend the Select Committee of this House appointed to inquire into the course pursued by Treasurers and Sheriffs at the various Sales of Land for taxes in the Counties of Upper Canada, from 1830 to 1851, on Wednesday next, at Eleven o'clock in the forenoon, to be examined on the subject of the said reference, if he thinks fit: And also,

The Legislative Council have agreed to the Address to Her Majesty on the

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subject of Reciprocity with Foreign Nations, by filling up the blank with "Legislative Council and": And also,

The Legislative Council have passed the accompanying Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to the Queen on the subject of Reciprocity with Foreign Nations, to Her Majesty's Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne, to which they desire the concurrence of this House:

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and of Canada, in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of Reciprocity with Foreign Nations, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And then he withdrew.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Grand Trunk Railway Company of Canada, and on the Fourth Report of the Standing Committee on Railroads, Canals, and Telegraph Lines; and after some time spent therein, the Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow, and be then the first Order of the day.

The Order of the day for the second reading of the Bill to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters, being read;¹

MR. INSP. GEN. HINCKS moved the second reading of the bill to provide for an extension of the Elective Franchise. He said it was a measure very generally desired, particularly in the western section of the Province. In that part of the country, it has been found that the principle of confining the franchise to the forty-shilling freeholders has excluded a very large class of respectable and wealthy farmers, some of whom have been in the habit of leasing farms to a very considerable extent, and of obtaining lands on lease from the crown and from corporations. He believed that this argument did not apply to the same extent to Lower Canada; but it was intended to render the bill applicable to both sections of the Province. It was also the intention of the Government to reduce the qualification of city voters from £10 sterling--which was found to be very inconvenient, as it is a higher rental than that paid by the majority of small householders, and excludes a large number of persons in the towns from exercising the elective privilege. The rates then will be £7 10s. in cities and towns, and £5 in counties. There are obvious reasons why persons in arrears to the Crown should not be allowed to vote, and it is proposed to exclude them. Then it is intended to apply the principle of registration to Upper Canada, and to the cities of Montreal and Quebec, as a great deal of trouble will thus be saved at the elections.²

MR. STUART had great objections to that portion of the bill which excludes persons indebted to the Crown from voting.³

MR. INSP. GEN. HINCKS would explain to the hon. member that it is not persons in debt, but persons in default to the Crown, whom it is proposed to exclude. Say that a man purchased from the Crown a piece of land for which he was to pay by instalments of £20; he would not be excluded from voting because there were several instalments still to pay, but exclusion would commence when he fell in arrears, and allowed any of the instalments to remain unpaid.⁴

The motion was then carried.⁵

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The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

The Order of this House, of yesterday, for the attendance of John White, Esquire, in his place in this House, this day, being read:--And Mr. White attending in his place;

On motion of Mr. Cartier, seconded by Mr. Lacoste,
Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That John White, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return of William Henry Boulton, Esquire, one of the Members for the City of Toronto, and not having been present within one hour after the time appointed for the meeting of the Committee yesterday, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Serjeant-at-Arms attending this House, informed the House, that he had taken John White, Esquire, into his custody.

Whereupon Mr. Christie of Wentworth stated, that he was desired by Mr. White to express his regret for being absent yesterday from the Committee appointed to try the matter of the Toronto Election Petitions, and to state that such absence was unavoidable and unintentional on his part.⁶

Mr. White ... was ... ordered to be discharged on a statement made by MR. J. SMITH (Durham) [who said] that he regretted his absence which arose from "a mistake of his watch."⁷

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On motion of Mr. Smith of Durham, seconded by Mr. Christie of Wentworth,
Ordered, That John White, Esquire, be discharged out of custody.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office," being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Stevenson reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Friday next.

The House, according to Order, resolved itself into a Committee to consider the expediency of amending the Acts providing for the improvement of the Harbour of Montreal, and for deepening Lake St. Peter, and improving the navigation of the River St. Lawrence between Quebec and Montreal; and after some time spent

therein, Mr. Speaker resumed the Chair; and Mr. LeBoutillier reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received To-morrow.

The Order of the day for the second reading of the Bill to enable Stephen Atkinson and his brother, John Atkinson, to convey to the Municipality of Nelson part of Lot No. 15, in the first concession south of the Dundas Street, for a Township Hall, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee on the Bill to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Laurin reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Friday next.

The Order of the day for the second reading of the Bill to provide for the better organization of Agricultural Societies in Lower Canada, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House, for Friday next.

On motion of MR. YOUNG⁸,

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The House, according to Order, resolved itself into a Committee on the Bill to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases;⁹

The object of this bill is to allow the Bank an increase of stock of £25,000. The bill was passed through committee without amendments. Opposition was made on the part of MESSRS. LYON and MACKENZIE, to take up the bill at $\frac{1}{2}$ past ten. These gentlemen contended that this hour was too late to do so.¹⁰

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dubord reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to empower François Daigle and Alexis Dufresne to demand Tolls on the Bridge erected by them over the north branch of the River Yamaska, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

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Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of Mr. Burnham, seconded by Mr. Seymour,

The House adjourned.

APPENDIX: 26 OCTOBER 1852.

[NOTICE OF MOTION RE: RIGHTS OF LESSORS AND LESSEES IN LOWER CANADA.]¹¹

MR. LEMIEUX [gave notice that] on Wednesday next [he would move a] Bill, intituled, "An Act to amend the Act to regulate the exercise of certain rights of Lessors and Lessees in Lower Canada."¹²

[NOTICE OF MOTION RE: RELIEF OF JOHN K. ROCHE, LAND SURVEYOR.]¹³

MR. J. SMITH (Durham) [gave notice that] on Thursday next [he would move] that the 70th Rule of this House be dispensed with in so far as relates to the Bill intituled, "An Act for the relief of John K. Roche, Esq., Deputy Provincial Land Surveyor."¹⁴

[NOTICE OF MOTION RE: SEPARATION OF HALTON FROM WENTWORTH.]

MR. WHITE [gave notice that] on Thursday next [he would introduce a] Bill to separate the County of Halton from the County of Wentworth.¹⁵

[NOTICE OF MOTION RE: JUSTICES OF THE PEACE.]

MR. LAURIN [gave notice that he would introduce a] Bill to amend the Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary convictions and Orders.¹⁶

[NOTICE OF ADDRESS RE: EXTENSION OF THE MAIN TRUNK LINE.]¹⁷

MR. STUART [gave notice that] on Thursday next [he would move an] Address to His Excellency the Governor General, praying that His Excellency will be pleased to lay before this House, a copy of a Despatch from His Excellency to the Right Honorable Sir John Pakington, Her Majesty's Principal Secretary of State for the Colonies, dated the 1st April last, forwarding a communication from Mr. Joly, Chairman of the Quebec and Montreal Railway Committee, praying that the North Shore of the St. Lawrence, from Quebec to Montreal, be adopted for the Main Trunk Line, to form a portion of the Great Provincial Railway to be constructed by the North American Provinces, with the aid of a Provincial or Imperial Guarantee and copies of the memorial and documents enclosed with it; and also, a copy of a Despatch, from Sir John Pakington, dated the 27th of the same month of April, acknowledging the receipt of the papers so transmitted by His Excellency.¹⁸

[NOTICE OF ADDRESS RE: THE APPOINTMENT OF A JUDGE OF THE SUPERIOR COURT TO RESIDE AT THE TOWN OF SHERBROOKE AND THE SALARY OF THAT OFFICE.]¹⁹

MR. STUART [gave notice that] on Thursday next [he would move an] Address to His Excellency the Governor General, praying that His Excellency will cause to be laid before that House, a copy of the Letters Patent issued in pursuance of the 12th Vic., cap. 38, appointing a Judge of the Superior Court to reside at the Town of Sherbrooke, in Lower Canada, and copies of any Correspondence respecting the Salary of the Judge so appointed, & a detailed statement of the sums from time to time paid to him whether as a Salary or for Circuit Allowance; and praying also, that His Excellency will be pleased to communicate to this House the authority under which such Salary was paid, and the grounds upon which the same was made to exceed by £250, Currency, the rate established for the Judge of the District of St. Francis by the Act passed

in the ninth year of Her Majesty's reign, and intituled, "An Act for granting a Civil List to Her Majesty," and by which it was provided that the amount to be allowed in future, as a vacancy might occur by the removal of the then incumbent, should be reduced from £555 lls. 1d., Currency, to £500, Currency, and also, expressing the sense of this House, that in relation to any future appointment, the Salary of such Office shall not exceed the amount established as the Salary of the Judge for the District of St. Francis, and that such Salary shall be in lieu of all allowances whatever, whether for travelling expenses or otherwise, until otherwise provided by the authority of Law.²⁰

[NOTICE OF ADDRESS RE: REQUEST FOR DOCUMENTS RELATIVE TO
REBELLION LOSSES COMMISSION.]

MR. LEBLANC [gave notice that he would move for an] Address to His Excellency, for copies of certain documents relative to the Commission appointed in 1845, to enquire into the Rebellion Losses in Lower Canada, and also the several Original Journals of the Commissioners appointed under the Act 12 Vic., cap. 58.²¹

FOOTNOTES: 26 OCTOBER 1852.

1. The exchange on this matter was reported by GLOBE, 4 November 1852. The following papers noted the matter in identical accounts: MORNING CHRONICLE, 27 October 1852, NORTH AMERICAN SEMI-WEEKLY, 16 November 1852, and NORTH AMERICAN WEEKLY, 18 November 1852. The matter was also noted by JOURNAL DE QUEBEC, 30 October 1852. A commentary appeared in HAMILTON SPECTATOR WEEKLY, 4 November 1852.
2. GLOBE, 4 November 1852. The following papers reported that the rate proposed for cities and towns was £7: MORNING CHRONICLE, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 16 November 1852, NORTH AMERICAN WEEKLY, 18 November 1852, and JOURNAL DE QUEBEC, 30 October 1852.
3. GLOBE, 4 November 1852.
4. IBID.
5. IBID.
6. The following papers noted this matter in identical accounts: MORNING CHRONICLE, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 16 November 1852, and NORTH AMERICAN WEEKLY, 18 November 1852.
7. MORNING CHRONICLE, 27 October 1852.
8. IBID.
9. The following papers noted this matter in identical accounts: MORNING CHRONICLE, 27 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN SEMI-WEEKLY, 16 November 1852, and NORTH AMERICAN WEEKLY, 18 November 1852.
10. MORNING CHRONICLE, 27 October 1852.
11. This notice of motion was reported by: MORNING CHRONICLE, 28 October 1852; and MONTREAL GAZETTE, 30 October 1852.
12. MORNING CHRONICLE, 28 October 1852.
13. This notice of motion was reported by: MORNING CHRONICLE, 28 October 1852; and MONTREAL GAZETTE, 30 October 1852.
14. MORNING CHRONICLE, 28 October 1852.
15. This notice of motion was reported by HAMILTON SPECTATOR WEEKLY, 4 November 1852, which also contained a lengthy commentary.
16. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
17. This notice of address was reported by: MORNING CHRONICLE, 28 October 1852; and MONTREAL GAZETTE, 30 October 1852.
18. MORNING CHRONICLE, 28 October 1852.
19. This notice of address was reported by: MORNING CHRONICLE, 28 October 1852; and MONTREAL GAZETTE, 30 October 1852.
20. MORNING CHRONICLE, 28 October 1852.
21. HAMILTON SPECTATOR WEEKLY, 25 November 1852.

WEDNESDAY, 27 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Smith of Durham,--The Petition of William Lyon Mackenzie, Esquire, acting Executor to the Estate of the late Robert Randall, of Chippawa, Esquire.

By Mr. Boulton,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Toronto.

By Mr. Dumoulin,--The Petition of Firmin Perrin, of the Parish of Ste. Geneviève de Berthier, District of Montreal, Esquire.

By Mr. Langton,--The Petition of Alexander Nichol and others, of the Townships of Dummer and Belmont, County of Peterborough; two Petitions of the Municipality of the United Townships of Dummer and Burleigh; the Petition of the Town Council of the Town of Peterborough; the Petition of George B. Hall, Esquire, and others, of the Town of Peterborough; and the Petition of William Lang, Chairman, and George Read, Clerk, on behalf of a Public Meeting of the Inhabitants of the Township of Otonabee.

By Mr. Christie of Gaspé,--The Petition of Matthew H. Warren, of Indian Island, on the coast of Labrador.

Pursuant to the Order of the day, the following Petitions were read:--

Of George S. Jarvis Esquire, and others, of the Town of Cornwall; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Canals.

Of J. Wilson and others, Masters of Vessels trading to the Port of Quebec; praying for the repeal of the Act for regulating the shipping of Seamen.

Of the Mutual Fire Assurance Company for the County of Montreal; representing the inability of the Company to meet their losses by reason of the late Fire in the City of Montreal, and praying for the passing of an Act to authorize the dissolution of the Company, and provide for the winding up the affairs thereof.

Of Louis L. Hérault, Esquire, and others, of the Parish of St. Ambroise, District of Quebec; praying aid to improve the Road from the Church Road of the said Parish to the River Jacques Cartier below the Church of Ste. Catherine.

Ordered, That the Petition of William Lyon Mackenzie, Esquire, acting Executor to the Estate of the late Robert Randall, of Chippawa, Esquire, be now read, and the Rules of this House suspended as regards the same.

And the said Petition was received and read; praying for the passing of an Act to enable the acting Executor or Executors of the said late Robert Randall, Esquire, to carry out the Testator's intention with regard to the recovery and disposition of his Real Estate.

Ordered, That the said Petition be printed for the use of the Members of this House.

On motion of Mr. Polette, seconded by Mr. Malloch,

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Ordered, That the time for receiving Petitions for Private Bills, Private Bills, and Reports of Select and Standing Committees on Private Bills, be extended to the twenty-first day of November next.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, 'An Act to provide for the appointment of Justices of the Peace for the more remote parts of this Province;'" and the same were read, as follow:--

Page 4, line 12. After the word "that" insert "it shall be lawful for the

Governor in Council, in the manner provided for in an Act passed in the ninth year of Her Majesty's Reign, intituled, 'An Act to provide for the appointment of Magistrates for the more remote parts of this Province,' to name and appoint such and so many fit and proper persons as may be deemed expedient to be and act as Justices of the Peace within, and whose jurisdiction as such Justices of the Peace shall extend over, such remote part or parts of Lower Canada, as the Governor in Council may, by Proclamation, define and declare, although such remote part or parts may be comprised within the constituted limits of any District of this Province, any thing to the contrary in the said Act contained notwithstanding, and that,"

Page 1, line 13. After "the" where it occurs for the first time, insert "said."

Page 1, line 13. Leave out from "Act" to "shall" in line 15.

Page 1, line 17. Leave out from "appointed" to "and" in line 21, and insert "by virtue of this Act."

In the Title, line 3. Leave out from "of" where it occurs for the first time, to "for" in line 4, and insert "Magistrates."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Solicitor General Chauveau do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Resolved, That a Select Committee, composed of Mr. Dubord, the Honorable Mr. Cameron, the Honorable Mr. Robinson, Mr. Egan, Mr. LeBoutillier, Mr. Smith of Frontenac, Mr. Stuart, the Honorable Mr. Merritt, and Mr. Clapham, be appointed to enquire into the expediency of encouraging Ship-building in this Province, to report thereon from time to time; with power to send for persons, papers, and records.

On motion of Mr. Mackenzie, seconded by Mr. Hartman,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Return of the Debentures issued under the authority of the third Section of the Act 12 Vic. cap 112, for Loans towards defraying the expenses of the Court House now in progress of erection in Montreal, for Court Houses and Gaols in Kamouraska, Aylmer, and Chicoutimi, or for repairing or rebuilding Court Houses in Gaspé and Bonaventure,--said Return to shew the date and amount of each Debenture, when and where and to whom sold or paid, whether at a discount, at par, or at a premium, how any bonus that may have been received was applied, the names of the Broker and Agent who negotiated the Debentures, the commission or brokerage paid in each case, with copy of the Orders in Council upon which the same were issued by the Receiver General to meet the requirements of the Department of Public Works in the erection, repairing, and rebuilding of the said Court Houses and Gaols; and shewing what other funds have been applied to these works, with the gross expenditure.

Ordered, That the said Address be presented to His Excellency the Governor

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General by such Members of this House as are of the Honorable the Executive Council of this Province.

Mr. Mackenzie moved, seconded by Mr. White, and the Question being proposed, That this House will immediately resolve itself into a Committee to consider whether it is expedient to add the following to the Standing Orders:--"No Petition shall be rejected because it is a printed document, (the signature or signatures excepted,) instead of being in manuscript;"

MR. MACKENZIE said, under the English rules, petitions could not be presented,

that were printed. He could see no reason why a printed document should not be received by the House. Many of his constituents could not read writing; and probably it was the same with reference to other parts of the Province. The House by agreeing to the motion would confer a personal obligation on him, as he hated to see the right of petitioning invaded. He therefore moved for a Committee of the Whole, to consider whether it is expedient to add the following to the Standing Orders:--"No Petition, otherwise in accordance with the Rules and usages of this House, shall be rejected because it is a printed document (the signature excepted) instead of being in manuscript."¹

MR. BOULTON said a great principle is involved in the motion and he was astonished that no member either of the Government or the opposition, had expressed an opinion upon the subject. No printed petition had ever been received, and the reason was, that an indefatigable man like the member for Haldimand, might strike off a million of copies of a petition, and send a copy to every individual in a district: the names could afterwards be separated, and this would be considered the voice of the people. The effect would be to place unlimited power in the hands of demagogues, for whom he had a thorough contempt. He was not going to adopt a popular course for the sake of obtaining popularity, when a great principle was involved. He considered that which had hitherto been adopted by the House as a sound one; and unless it was found to operate to the prejudice of the public, for whom it was their duty to legislate, he was not prepared to vote for what might be conceived to be a popular measure.²

DR. FORTIER said, at present it happens that a designing person will read a written petition in the manner he pleases; and persons are induced to sign it without knowing its contents; but, when it is printed, every individual would be able to attain a thorough knowledge of its contents. It is of advantage to the public that petitions should be circulated, in which case he thought there would be fewer petitions before the House, because at present persons are induced to yield to the urgent solicitations of those who go round with a written petition.³

MR. LANGTON said, there was a good deal of humbug in the manner in which the petitions are arranged, for half the time, the people did not know what they were signing, and the same names are often found appended to petitions of a very different character, which arises from people not knowing what they sign. As to the objection of the member for Toronto, that by receiving printed petitions, it would be to put power in the hands of demagogues, there was no limitation of this at present, as in most cases, petitions are printed and sent round, and the names are afterwards detached, and placed at the bottom of one petition.⁴

MR. BADGLEY suggested to the member for Haldimand, that he had better refer his resolution to the Committee on Standing Orders.⁵

MR. R. CHRISTIE of Gaspé and MR. PRES. EX. COUN. CAMERON concurred.⁶

MR. MACKENZIE said, what he wanted was, to get a petition before the House, which he had to withdraw a day or two since, because it was printed; and this he would not be able to do, if the resolution was referred to the Committee on Privileges which never meets. He saw no reason for withdrawing the motion; in Upper Canada, formerly, printed petitions were always received.⁷

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The Honorable Mr. Badgley moved in amendment to the Question, seconded by Sir Allan N. MacNab, that the words "this House will immediately resolve itself into a Committee" be left out, and the words "it be an Instruction to the Select Committee appointed to revise the Rules of this House" inserted instead thereof; And the Question being put on the Amendment; the House divided:--

Yeas, 30.

Nays, 24.

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That it be an Instruction to the Select Committee appointed to revise the Rules of this House, to consider whether it is expedient to add the following to the Standing Orders:--"No Petition shall be rejected because it is a printed document, (the signature or signatures excepted,) instead of being in Manuscript."

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to authorize the Municipal Council of the Town of Amherstburg to sell the site of the Old Market in that Town.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

On motion of Mr. Polette, seconded by Mr. Dumoulin,

Resolved, That this House will immediately resolve itself into a Committee to consider the expediency of raising by Assessment from the Catholic Inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, the sum of Five thousand pounds, currency, payable in six years, at the rate of one-sixth per annum, to be delivered and paid over to the Bishop of Three Rivers, to aid in the liquidation of the expenses to be incurred in the erection of a Cathedral Church in the said Parish, to be also used as a Parish Church.

The House accordingly resolved itself into the said Committee;⁸

MR. POLETTE expliqua qu'il y avait devant la chambre une requête des paroissiens des Trois-Rivières, basée sur des résolutions adoptées à l'unanimité par tous les intéressés, demandant à être autorisés à prélever par cotisation une somme de £5,000.⁹

Some conversation took place, part of which was inaudible in the gallery.¹⁰

MR. FOURNIER as we understood opposed the motion.¹¹

MR. COM. PUB. WORKS CHABOT supported it, and said it was nearly unanimously petitioned by the Parishes.¹²

MR. BROWN said it was the most extraordinary motion ever brought before the House, and there had been some extraordinary ones. He contended that the House ought not to force any religious body to build churches. If one sect were obliged to do so, another must also be. Any of them might build what churches they liked at present.¹³

MR. DUMOULIN said the power was unanimously asked for by the people of the Parish. They had already £5000 towards building the church, and he saw no reason why they should not be allowed to assess themselves for the remainder since they desired it.¹⁴

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. McDougall reported, That the Committee had come to a Resolution,

Ordered, That the Report be received To-morrow.

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of Reciprocity with Foreign Nations, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on

behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of Reciprocity with Foreign Nations, by filling up the blank with the words "and Commons."

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Ordered, That the Honorable Mr. Merritt do carry the said Message to the Legislative Council.

On motion of Mr. Mackenzie, seconded by Mr. Smith of Durham,

Ordered, That the Clerk of this House do request the Upper Canada Trust and Loan Company to send to this House, a Return shewing, up to the most recent dates in their power; the gross amount of all Loans made by them during the present year; the rate of interest charged, the amount of interest taken, in advance, out of the money loaned; with the amount of interest paid in afterwards; the amount of Law expenses charged to and obtained from borrowers, and of costs and charges collected for or by the Agents and Surveyors, so as to shew the cost of Loans to the freeholders: the like information for 1851: a List of the Directors and Officers at Kingston and in London: said Returns to shew the Loans, if any, in detail, to Municipalities and other Corporations, and the rates of interest taken or agreed to be taken: the quantity of Lands, and value of landed estate held by the Company; the number of mortgaged estates, lots or tenements, purchased and held by the Company, and if bought in any case, below the sum for which the land was mortgaged, then for how much less: the amount of the Company's capital, and how much thereof is paid up; the amount of the reserve or guarantee fund; and the amount of stock and names of stockholders residing in Canada.

Ordered, That Mr. Sicotte have leave to bring in a Bill to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall compose and constitute the same.

He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time on Wednesday next.

On motion of Mr. Hartman, seconded by Mr. Mackenzie,

Ordered, That it be an Instruction to the Standing Committee on Printing, to inquire into the causes of delay in completing the Printing of the Journals, &c., of the last Session of Parliament; and also to inquire and report upon the efficiency of the distribution of the same to the various Municipalities throughout the Province, in conformity with the Order of this House.

On motion of the Honorable Mr. Young, seconded by Mr. Varin,

Ordered, That that part of the Resolution of this House, of Wednesday last, which directs that the Orders of the day be called at Six o'clock in the afternoon, be suspended on Thursday next.

Mr. Stuart moved, seconded by Mr. Clapham, and the Question being proposed, That an humble Address be presented to His Excellency the Governor General, expressing the sense of this House, that some regulation ought to be made for the purpose of preventing any Member of the Executive Council, or other Public Officer, from taking or receiving any commission, gratuity, or reward, from any Person or Corporation, or from deriving any profit or advantage, directly, or indirectly, on account of any thing done or to be done by him in or in any way relating to the raising of any Loan, whether required for Public Works in this Province, or for other Provincial purposes, or for the payment or securing the payment of any money to be borrowed for the purpose of paying Loans already made,

*or debts now owing by any Municipal Corporation in this Province, or for the purpose of making a new Loan of money for such Municipal Corporation.*¹⁵

MR. STUART said that on most matters it is of the utmost importance that there should not be the slightest ground for suspicion, that the members of government were made up in any way with such transactions, or exercised any control. It was owing to a doubt that seemed to be entertained the other evening¹⁶, in consequence of some expressions read in the House¹⁷, that he had made the motion; and he did so, without reference to any person whatever. When a subject of a similar nature was before the House a few evenings since, the Inspector General said¹⁸ that if the House wished to affirm such a principle the proper mode of proceeding was by resolution.¹⁹

MR. PROV. SEC. MORIN saw no propriety in bringing in a resolution which implies a censure, when no case is made out. As the action of the House is supposed to be taken after due consideration, were the resolution to be adopted, it would tend to the inference that something censurable had taken place. Now, nothing of the kind had occurred; and when a charge had formerly been brought before the House, it had been satisfactorily explained; and this motion is nothing but a reference to which he had alluded. The members of the Government would be ready at all times to bow to the decision of the House; but they were not prepared to submit to abuse, or to be censured improperly. They were entitled to that common respect which man owes to man.²⁰

MR. STUART said his observations had been misunderstood. He begged gentlemen to understand that he did not intend in the slightest degree to impugn the conduct of members of the Government²¹ or that he had made the motion with any reference to the case brought before the House the other evening²², but years ago it was found necessary to impose a restraint upon the Executive Council; and he believed there was a standing rule which prevented merchants holding seats, owing to advantages they had obtained by this means over others, in consequence of alterations in the law. He repeated that he begged to be understood as not making the ... motion with a view to affect the Government, but merely prospectively.²³

MR. R. CHRISTIE opposed the motion. He was sorry the hon. member had brought it forward.²⁴ The member for Quebec had said he did not bring forward his motion because he suspects any member of the Government; and refers to a principle which was established before he came into the world. After the manner in which other insinuations had been met, he considered it highly improper to introduce a resolution, conveying others of the strongest nature. He was not in the habit even of speaking to the members of the Government; but he must say, if the resolution should pass, it would be conveying a²⁵ grave²⁶ reflection upon the honour and integrity of those who composed it.²⁷ He did not believe that any members of the ministry would be guilty of the dishonesty of speculating upon public securities for their own private benefit. It was understood they ought not to do so.²⁸ He trusted, therefore, that the House would throw it out without farther debate. The object, he said, was to establish no new principle; that men, having the confidence of the representative of the Sovereign, ought not to be dishonest. He was exceedingly sorry that the proposition had been brought forward.²⁹ He was disgusted with the unsupported charges which were made against the ministry night after night.³⁰ These kind of attacks are not worthy of the position of a member of that House. If the member for Quebec had any charges to make, let him bring them forward; but not come out in this way. If the members of the Government are guilty of any dereliction of duty, let them be impeached, and, if guilty, be expelled from their seats in the House; but do not get up resolutions which would cover that body with disgrace and infamy.³¹

MR. LANGTON said he was one of those who had expressed himself strongly on a former occasion, and he did so, because there seemed to be a doubt on the minds of some members, whether the conduct referred to, was proper or not. He thought that debate did good, and that many gentlemen changed the opinions, which they had expressed during the heat of the debate. Stilll [sic] he should not vote for the motion; for although the gentleman for Quebec had said that he did not want to cast any imputation upon the present government, yet, if the resolution did not refer to the debate which had taken place on the same subject, it meant nothing at all, and the general impression would be, were the resolution to pass, that the Inspector General had been guilty of speculation.³² They might as well pass a resolution to say a minister should not commit murder, &c. Of course it was understood that a minister was not allowed to accept commissions or remuneration, as indicated in the resolution.³³ He should therefore oppose the address, as he was a new member and had some doubt as to the proper course to be pursued: as if the motion were refused it might be considered as sanctioning the principle to which it was opposed: he therefore thought the most proper course would be to move the previous question.³⁴

MR. BOULTON said it was difficult to determine what was the proper and most satisfactory course, when a measure was sure to be opposed by the government. He moved on a former day, that returns be laid before the House of any sums received by a member of the Government. That involved, he said, no charge: it was in the power of the Government to have shown what were the facts; and the motion was so worded that no member could say it was directed against him, but yet the Inspector General resisted it, and suggested what he conceived to be a better course, which was to introduce a resolution³⁵ precisely³⁶ such as was then submitted. The member for Quebec had adopted that course, and the Government now say they object to it. How were they to manage when the Government has a majority? If allusion is made to a transaction, in support of which there is convincing proof, they are told it is irregular: if they moved for a committee of enquiry, then the Government resists it. The member who considered himself the master of the House, says, why not impeach a minister?³⁷

MR. R. CHRISTIE explained.--That was the proper course, and not to deal in insinuations.³⁸

MR. BOULTON continued.--That would do where a charge could be brought before another body, over which the Government could not exercise a control. The majority of that House would not allow articles of impeachment to be made. In England there is a remedy for this, but here there is none.³⁹

MR. LANGTON rose and moved the previous question.⁴⁰

MR. BOULTON continued to mention that he wished to make no insinuations against the character of the Inspector General but he did wish that he should not shrink from an investigation of charges made against him.⁴¹ If a charge were not substantiated, he said, it must recoil upon the heads of those who made it.⁴² There were serious charges against other members of the ministry.⁴³ They saw⁴⁴ the commissioner of crown lands⁴⁵ putting his hands in the public funds of the Province, and taking out £100⁴⁶ which he had put in his own pocket. When he (Mr. B.) asked about this transaction the other evening, the Inspector General stated that his colleagues had received the £100 in accordance with an act of Parliament. Now he (Mr. B.) denied that.⁴⁷ This was not consistent with truth, as there is no law in existence sanctioning such a procedure.⁴⁸ The commissioner of Crown Lands was gazetted long after the removal of the seat of government.⁴⁹ This gentleman, who was pursuing his profession up to the 27th

November⁵⁰, had made money at his profession, before his removal to the seat of government, and then he had taken public money to come down to Quebec.⁵¹ [He] had no right to put his hands into the Province['s] funds, and take out such a sum as than [sic] referred to. Government, he said, had taken more than it was warranted in doing, and had, in addition, paid one of their members who accepted office £100. It was a farce to say that the Government were responsible to public opinion: how could that be, when they would not let the House know the truth. When he moved for an address, the other day, he believed in the truth of the charge, notwithstanding the denial of the Inspector General: he did not say that gentleman did not state the truth, but he did not state the whole truth. The hon. member here read a letter, which he subsequently addressed to Mr. Marchand, at Montreal, with reference to a statement that gentleman was understood to have made against the Inspector General, relative to the loan of £100,000, obtained by the city of Montreal; but which Mr. M. disclaimed having made⁵²; and also from a report of the Montreal Corporation, to shew that the matter was to be brought before the Montreal Corporation for investigation.⁵³ He reiterated his charge of £20,000 having been drawn from the Bank of Upper Canada, by telegraph. He was anxious to see the Inspector General occupying the position which he ought to occupy. In the affair of the timber duty, he came forward like an honest man, and referred the subject to a Committee; and if the House could decide with reference to the members of the Government in a body, it could surely deal with them individually. His object was to enable gentlemen to clear themselves of the charges which were heard everywhere: when those who had failed in substantiating them would be justly deemed guilty of slandering them.⁵⁴

MR. MERRITT regretted that the member for Quebec had moved for the address, who says it is not intended as an imputation on the government. He may think so, but he must be aware it has that appearance. There is a constitutional mode of proceeding, which is by want of confidence; and which is the only course that ought to be pursued. He was only surprised that any member of the government rose to reply to such accusations as are brought forward, when members make statements from papers and other sources.⁵⁵ By so doing they only provoked recrimination and the unseemly scenes recently witnessed in the House.⁵⁶ If there is any accusation as to taking public money, the course, as he had before said, is to move a vote of want of confidence, and turn the Ministry out, but not to proceed in this manner. Night after night the £100 received by the member for Norfolk was brought up. When the public accounts are brought up then will be the proper time to investigate the subject. If these attacks are continued, they would never get through with the public business. He repeated, if there were any charge against the government, the proper course was to come forward, and if a majority could be obtained in support of it, then turn them out.⁵⁷

MR. INSP. GEN. HINCKS desired to make a few observations. The member for Quebec would perceive a wide difference between the present proposition and that of the other evening.⁵⁸ The address would amount to a vote of want of confidence if passed, and he contended that it should not be proposed except upon specific information. In the present instance no case had been made out. With reference to the notice of motion of Mr. Marchand, he (Mr. H.) had learned from two members of the Montreal Corporation, that that notice had been withdrawn, and an unanimous vote of thanks passed to him (Mr. H.) for what he had done.--He narrated the circumstances of the part he had taken in this matter, to the same effect as on the preceding evening; and repeated that he had never received anything for his services either directly or indirectly. He denied that he had stated the other evening that an address such as that before the House, was the proper way of proceeding, if hon. members wished to affirm that members of the government should

never receive any commissions for private transactions. He had said, that if hon. gentlemen wished to affirm that principle, a resolution would be the proper mode of proceeding.⁵⁹

MR. COM. CR. LANDS ROLPH said he desired to make a few remarks, with reference to what had fallen from the member for Toronto, but strictly as a member of the Government. Were he not replying in that capacity, he would answer him in a very different way. The member for Toronto, forgetting his position as a member of that House, had stated that he had put his hands into the public treasury, and taken therefrom £100⁶⁰ which he had no right to do, to put into his pocket.⁶¹ Such a charge, he would say, was unmanly: he wished to use no other than parliamentary language, or he might go farther, and say it was⁶² unfair, and untrue.⁶³ The member for Toronto had an unmanly way of putting statements, of which he believed no other member would be guilty. Another of his statements was, that while at home, pursuing his⁶⁴ private profession⁶⁵ down to the 27th November⁶⁶, the time of the removal of the seat of government⁶⁷, he (Mr. R.) was receiving the public money⁶⁸ to come down to this city.⁶⁹ This, as an inhabitant of Toronto, he knew to be untrue.⁷⁰

MR. BOULTON endeavoured to offer an explanation.⁷¹

MR. COM. CR. LANDS ROLPH told him, he was not to make such statements, and then deny them. He was not entitled to belief in what he said or what he denied. That would be the estimation which would be entertained of him throughout the country, if he goes on in the course he is pursuing. The statement the member for Toronto had made, as to his continuing to discharge the duties of his profession, after accepting the situation of Commissioner of Crown Lands, was utterly untrue.⁷² [He] went on to say that he had been offered a place, had accepted it, and⁷³, from the time he accepted the situation⁷⁴ in the early part of September, before the seat of government was removed⁷⁵, he devoted himself to the public service, and when he came to Quebec, after taking a tour through Norfolk, it was as a public man; and when the hon. gentleman said, he went back to his profession in November, it was a gross perversion of facts. The member for Toronto had said, that he (Mr. R.) had put his hands into the treasury, and taken out £100. Is he the person to bring such a charge--or was he in a position as a professional man, or in any other light, to stand up and make such a charge? He (Mr. R.) denied that that gentleman holds a position and a character which justifies him in making such allegations, and which, in the next place, is shown to be untrue. The honourable gentleman said he accepted office early in September, and the member for Toronto wanted to make out that the remuneration was received previous to his becoming the actual adviser of the Government, which was in Toronto when he received the appointment. He found £100 had been appropriated⁷⁶ for the use of his predecessor for removing to this city⁷⁷ and felt that he could conscientiously take that which was intended for the former incumbent of the office which he held⁷⁸; he believed that he had a right to receive it, both in law and equity, in common with his colleagues who received similar sums for similar purposes⁷⁹ and if the member for Toronto could feel as clear with reference to his pecuniary transactions, it would be fortunate for him. If he (Mr. R.) knew anything of constitutional law, any man who accepts a seat in the Cabinet, becomes an adviser of the Crown, and could be called on to-morrow; and he is in reality the adviser, unless the member for Toronto would restrict the Crown as to an adviser, until certain formalities were proceeded with. As to putting his hands into the Treasury, he had received that which his predecessor would have received, to meet the expenses of removal. He was not aware that there was anything improper in his doing so; had he thought there was anything wrong about it he would not have attempted it. The item, he said, would appear in the public accounts, and must receive the sanction of the

House. Had the member for Toronto said, he (Dr. R.) was not entitled to the allowance, although his predecessor might have taken it, he would have pursued a gentlemanly course, but when allusion is made to his putting his hands into the Treasury, he did that which was unworthy of him. The attack on the Inspector General, he said, had been so ably refuted by that gentleman, that he should not say one word on the subject, farther than it was unaccompanied by any specific charges.⁸⁰

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Mr. Langton moved, seconded by Mr. Christie of Wentworth, and the Previous Question being proposed, That that Question be now put;--

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And it being Six o'clock in the afternoon; the Orders of the day were called.

And the Order of the day for receiving the Report of the Committee of the whole House on the Bill to incorporate the Grand Trunk Railway Company of Canada, and on the Fourth Report of the Standing Committee on Railroads, Canals, and Telegraph Lines, being read;

Mr. Cartier moved, seconded by Mr. Solicitor General Chauveau, and the Question being proposed, That the Report be now received;

*Mr. Lyon moved in amendment to the Question, seconded by Mr. Shaw, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, with an Instruction to the Committee to leave out the words 'Towns of Brockville and Prescott, to a point in the Eastern boundary line of the Township of Osnabrock, thence, in as nearly a direct line as may be practicable, to St. Raphael's, and thence to' in the first Clause, and insert the words 'Towns of Perth, Smith's Falls, and Kemptville, to a point at or near the High Falls on the Nation River, thence to the Caledonia Springs, and thence through the Village of Rigaud to'" instead thereof;*⁸¹

MR. LYON said that he conceived it was of great consequence as well to the country as to the stockholders in the company, that the best route should be adopted. He then mentioned the circumstances which led to the granting of the railway charter last year, and contended that if the legislation of that session had been carried out, instead of the charter then granted being overridden, it would have relieved the people interested in the Ottawa from the necessity of taking the course which he now took. Any one who would look at the character of the country between the two rivers St. Lawrence and Ottawa, must, he believed, agree with him, that a road which he described (and which ran back from St. Anne's towards the Ottawa, as far back as Caledonia) was a better and more profitable route and would, he said, be just as advantageous for all the travel from Upper Canada downwards: it would not, like a line along the front, have to compete with the river and with the Ogdensburgh railway. The inland route also would open up not only the rear of the counties lying on the river but other portions of the country not yet accessible, and whose produce would naturally go by way of the railway, whereas the produce of the country lying on the front would never go by that means while the river was open to them as a means of conveyance.⁸²

MR. CARTIER admitted the hon. member for Russell, deserved great credit for representing the vast population of that county, for the course he took; but he must recollect that no line was definitely settled, for though a line appeared to be marked out, there was a provision which allowed the government to change the route. He thought the representations of the hon. member for Russell would receive proper consideration.⁸³

MR. SHAW claimed to represent a very large constituency interested in this

question. The present bill fixed a line passing through Brockville, thus bringing it into competition with the finest navigable river in the world, and with two railways on the other side, instead of opening up a new country while the same through traffic was secured.⁸⁴

MR. LYON said if his constituents were not numerous, he believed they produced more value than all the large county of Verchères; and again, if they were small, they deserved just as much consideration as the small constituency of the hon. member for Brockville. He did not, however, want to fix the line; but only to strike out that part of the bill which fixed the direction of the line through Prescott and Brockville, so as to leave that question open.⁸⁵

MR. J.A. MACDONALD supported the motion.⁸⁶

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Clapham, Lyon, Macdonald of KINGSTON, Malloch, and Shaw.--(3.)

NAYS.

Messieurs Brown, Burnham, Cameron, Cartier, Solicitor General Chauveau, Christie of WENTWORTH, Crawford, Attorney General Drummond, Hincks, Lacoste, Langton, Laurin, LeBlanc, LeBoutillier, Sir A.N. MacNab, Mattice, Merritt, Morin, Murney, Paige, Papineau, Patrick, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Seymour, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Taché, Tessier, Turcotte, Varin, Viger, White, Wright of West Riding of YORK, and Young.--(41.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Attorney General Richards moved in amendment to the Question, seconded by Mr. Mattice, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the words 'thence by the route they may find most practicable, through the Towns of Brockville and Prescott, to a point in the Eastern boundary line of the Township of Osnabruck, thence, in as nearly a direct line as may be practicable, to St. Raphael's, and thence to the River Ottawa, and across the said River to a point between the Lake of the Two Mountains, and the Village of St. Anne's, and thence to the City of Montreal by such line as the said Company may deem most advantageous; but the different sections of the said Road may be made at the said time or in such order as the Company may think proper: Provided always, that if the Governor shall, after actual survey, ascertain that the interests of the Province would be promoted by the adoption of any other route between Kingston and Montreal, the said Company shall construct the said Railway on the line selected by the Governor after such survey' in the first Clause, and inserting the words 'thence to the City of Montreal by such route as the Governor shall

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after actual survey ascertain to be the shortest and most direct line between the said points, having due regard to the best grades and the interests of the Province'" instead thereof;

MR. MURNEY said that the Inspector General had hitherto carried through this measure, and had once declared that by it the cabinet would stand or fall.⁸⁷ [He] thought the House should call on the Attorney General to resign. He could not conceive how that hon. gentleman should stand apart from his colleagues on

a close Cabinet question, and vote against a bill which had no doubt been drawn by himself, without feeling the necessity of resigning his office.⁸⁸ He supposed then the next thing he would hear from the hon. Attorney General was, that he was no longer a minister. A cabinet could not one day allege and another day deny a thing to be a cabinet question.⁸⁹ It was a most extraordinary position that the hon. gentleman had placed the Government in; and he could scarcely imagine that it was done seriously.⁹⁰

MR. INSP. GEN. HINCKS thought the member for Hastings could scarcely be serious either. He must know perfectly well that the Government had declared that all responsibility on the part of the Government had ceased; and he must also perceive⁹¹ there was every difference in the world between voting for the general principle of the bill and adopting all the⁹² mere⁹³ details.⁹⁴ Most unquestionably he did not intend to vote for the amendment of his hon. friend but at the same time he conceived that that gentleman was quite free to advocate the interests of his constituents on a question of this nature.⁹⁵

SIR A. MACNAB understood the matter perfectly. The Attorney General was not serious, and the Inspector General was not serious. The Attorney General, as the representative of the County of Leeds, merely wished to show his constituents that he was rather careful of their interests. The whole thing was as clear as could be: it was merely intended to produce a little political capital.⁹⁶ Mr. Crawford had been supporting the administration throughout this bill, and of course he must not be thrown overboard.⁹⁷

MR. AT. GEN. RICHARDS wished to define his position with regard to this matter. It would be recollected that when the bill was yet a Government measure, it did not contain the clause which he proposed to amend. It was inserted by the Railroad Committee at a time when he was not able to attend to his duties in the House. He would also wish to say that although his constituents were very much divided in opinion with regard to the relative merits of the two routes, he had always stated that he would advocate that route which was proved on actual survey to be the best for the public interests⁹⁸, whatever that was. The Inspector General had sufficiently defined the position of the government upon it.⁹⁹ In reply to the member for Hastings, he need only say that, as the Inspector General had clearly stated to the House that this Bill was no longer a Government measure, he had as good a right as any one else to propose amendments to it.¹⁰⁰

MR. CRAWFORD supported the clause as reported by the Railroad Committee. He had been informed by an engineer just returned to the city, that the route named in that clause was by far the best that could be determined on, both in regard to grades and every thing else¹⁰¹, shorter, straighter, and calculated to furnish a much larger business on the road than the route which he presumed the Attorney General desired. It was rather an advantage than otherwise to have the line in competition with the Ogdensburgh road, as it would keep down the rates of traffic.¹⁰² He was certain that the proposition of the Attorney General would not be entertained for a moment, the object being to inpuce [*sic*] the House to take Mr. Keefer's line, which not only passed at a considerable distance from the towns, but was so far out of the usual line of traffic that there was scarcely a church steeple within sight of it.¹⁰³

MR. LANGTON said it appeared to be an understood thing that every member who desired to have the line run through a particular section of country, should seize this opportunity of moving an amendment to that effect. The people of Peterborough were among those who believed fully that the line of road should run through their country, and he himself entertained that opinion; but as there was no prospect of any good end being attained by moving an amendment, he should not take up the time of the House by doing so. However, as it was necessary for members

to let their constituents know that their interests were not forgotten he should vote for this amendment, and allow the division on it to stand as the division on the Peterborough line.¹⁰⁴

MR. J.A. MACDONALD (Kingston) perceived the necessity which members were under, on returning to their constituents, to have a certain number of facts or a certain amount of buncombe. Now the Attorney General would have no facts to present to his constituents; almost every ministerial measure had been abandoned, the Legislative Council resolutions had been knocked into a cocked hat, and it became absolutely necessary for him, therefore, to move this amendment as a piece of buncombe. Well, he thought he would vote for it himself, as he also required a little buncombe.¹⁰⁵

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Dubord, Langton, Malloch, Mattice, Patrick, Attorney General Richards, Rose, and Viger.--(9.)

NAYS.

Messieurs Badgley, Brown, Burnham, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Crawford, Attorney General Drummond, Fergusson, Gamble, Hincks, Lacoste, Laurin, LeBlanc, LeBoutillier, Sir A.N. MacNab, Marchildon, Merritt, Morin, Murney, Papineau, Ridout, Robinson, Rolph, Seymour, Shaw, Short, Sicotte, Smith of DURHAM, Stevenson, Terrill, Tessier, Varin, White, and Young.--(38.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received; The Honorable Mr. Young moved in amendment to the Question, seconded by Mr. Brown, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the words 'through the Towns of Port Hope, Cobourg, and Belleville, to the City of Kingston, thence by the route they may find most practicable, through the Towns of Brockville and Prescott, to a point in the Eastern boundary line of the Township of Osnabruck, thence, in as nearly a direct line as may be practicable, to St. Raphael's, and thence to the River Ottawa, and across the said River to a point between the Lake of the Two Mountains and the Village of St. Anne's, and thence to the City of Montreal by such line as the said Company may deem most advantageous' in the first Clause, and inserting the words 'to the City of Kingston, and from thence to the City of Montreal, by such line as may be found, after actual survey, the most direct with due regard to the best grades, and the general interests of the whole Province'" instead thereof;

MR. INSP. GEN. HINCKS said that this was a point on which he had always differed with the member for Montreal. What he could not understand was why the city of Kingston should be inserted as the point of departure. If the hon. member wished to be consistent he should take some other point¹⁰⁶; why not leave out Kingston and Montreal, and¹⁰⁷, for instance¹⁰⁸, say that the line should be made direct from¹⁰⁹ the river Detroit to the city of Quebec¹¹⁰ by the shortest route.¹¹¹ His own opinion was that all the great towns should be included, if possible, within the line of route, except [if] a very strong case could be made out, on account of the very heavy expense of grading, or for some other cause why those towns should not be approached.¹¹² Why tie up the

hands of a private company, when the province was really to pay very little.¹¹³ He could see no good reason why Kingston should be included in the motion of the hon. gentleman, and why Belleville should be omitted, as Belleville is already a place of considerable importance, and in the course of twelve or fifteen years will, in all probability contain about fifteen thousand inhabitants.¹¹⁴

MR. BROWN entirely concurred in the amendment proposed by the member for Montreal.¹¹⁵ It was not the amendment that tied up the company; but the Inspector General intriguing with the representative of all towns.¹¹⁶ The object of that amendment was to free the Company from the fetters imposed by a Railroad Committee consisting largely of gentlemen interested in the prosperity of certain towns specially selected for favour, and merely to bind the Company to pass through the three principal cities, and such other towns as they may be able to touch consistently with the interests of the public and of the Company.¹¹⁷ Toronto, Kingston, and Montreal were the three best cities in the province, and it was one thing to fix points at a distance of 200 miles apart, and another to fix points at 7 miles apart.¹¹⁸ He could not understand the argument of the Inspector General in opposition to it. He thought it was their duty to consider the interests of the people of the back townships. He would admit that it might be for the interest of the country and the stockholders that the road should pass through some of the towns mentioned in the original clause; but he thought that the hands of the Company should not be tied up--that they should be left free to select the best and most advantageous route, after careful survey. The resolution of the Attorney General was somewhat similar to this, but the hon. gentleman was a little selfish in confining it to his own section of the country: the present amendment extended the Attorney General's principle, and¹¹⁹ ought to make him vote for this as an extension of the amendment last moved by himself¹²⁰. All who voted for that amendment were bound to support the resolution of the hon. member for Montreal.¹²¹

MR. AT. GEN. RICHARDS said former acts fixed the route from Toronto to Kingston; but not from Kingston to Montreal.¹²²

MR. YOUNG had had an opportunity of seeing the engineer's report, which is as yet unpublished, and he had no hesitation in saying that if the clause reported from the Committee is adhered to, it will very much injure the general character of the road.¹²³

MR. ROSE said that the greatest objections that he had to the Bill now before the House, was that relating to the route which was intended to be pursued; he would have liked to see it fall down as a principle on the face of the bill--that this Grand Trunk Line should be located as far back from the St. Lawrence; and through the interior of the country as could be done, without materially adding to the distance. And he contended that by so doing the general interest of the country at large would be secured, and that it would be found that the cost of constructing the road, would be far less than what it would be by the front route. And it was on this ground that he (Mr. R.) had voted for the amendment proposed by the Hon. Attorney General West, which amendment contained the principle that in the location of this Railway the general interests of the whole country should be consulted¹²⁴ instead of allowing those interests to be sacrificed to the attainment of mere local and individual objects.¹²⁵ And he would have introduced a similar amendment, had not that hon. gentleman done so. And he (Mr. R.) would record his vote for any and every amendment which was calculated to obtain the same object. (Cries of question.) Hon. gentlemen should have the question when he (Mr. R.) had done with it.¹²⁶ The hon. gentleman was going on to reply at considerable length to the attacks made on the Inspector General by members of the opposition, when--¹²⁷

He was ruled to be out of order by MR. J.S. MACDONALD the SPEAKER.¹²⁸

MR. ROSE [continued:] He had thrown no obstacle in the way of this bill--had not said one word on the subject until now--and he was not willing to give a silent vote on this question. Hon. gentlemen who were so desirous to get the question, had not in his opinion considered the vast importance of this subject--a subject deeply affecting the interests of the inhabitants of Canada, and one which involved an enormous outlay. And there was a very important feature in this bill, and one he desired to call the particular attention of the administration to as well as every hon. gentleman holding a seat in that house--it was this: in ordinary legislation, if we passed a law one session and found that it did not work well, we could amend or repeal it at the next meeting of parliament; but if this Grand Trunk Line were once located on an improper route or line, there was no possibility of correcting the evil; there it was, and there it would be for ages. He (Mr. R.) was not generally in favor of intruding his opinions on an unwilling audience--in fact he thought he better understood what was due to himself than to do so. But he claimed the privilege as an independent member of the legislature, of fearlessly expressing his views on this measure, and hon. gentlemen might rest assured that he was not to be put down by faction. He (Mr. R.) had heard stated by the advocates of the front route, "that it was not so much on account of the good that the frontier towns would gain by the Railway passing through them, as it was on account of the injury they would sustain if the road was located in the interior." Now this argument reminded him of the old adage, "God help the rich, the poor can beg." How stands the matter now? a vast and vainable improvement has been effected on the St. Lawrence at a great expense, for which the people in the interior are equally holden with the people on the frontier, and by which the frontier settlers are more particularly benefitted, and which for the transportation of freight must in all time to come be far superior to a Railway. And yet they claim the right to the latter also--he (Mr. R.) contended that it was unfair; that it was not in accordance with the principle of responsible government--which says that the "well understood wants and wishes of the people should be carried out." And he was quite sure were a vote taken on this subject, that it would be found there would be three to one in favor of opening up the country by taking the route through the interior. Was he to be told that the settler in the rear, who was obliged, at great expense and loss of time, to come out with his potash or farm produce, was not entitled to some consideration? He had known parties to bring their potash to the front from certain localities, at certain seasons, when the roads were bad, at an expense of four or five dollars per barrel. And the same argument applied to what necessities they had to take from the front to their homes. Now, let it be borne in mind that the inhabitants on the front are already provided with a water communication; and when that is closed in the winter season, they can easily go to the rear, should the railway be located there. He (Mr. R.) had not heard any sound argument that the front line was the proper one; in fact, it could not be defended on the principle of evenhanded justice to all parties; it was on the principle of benefitting the frontier towns at the expense of the great body of inhabitants. As to the farmers along the St. Lawrence, he (Mr. R.) spoke advisedly when he said they were opposed to their property being cut up by a Railway. He (Mr. R.) was sorry this was not made a Ministerial question, for he was quite sure no Ministry could assume the responsibility of running this Railway along the line of the St. Lawrence, without damaging themselves in Upper Canada; and were the Ministry responsible, he thought they would weigh the matter well before arriving at a conclusion. It was an undeniable fact, that Reformers professed to legislate, not for the minority but for the majority; or in other words, that the interests of the many should not be sacrificed to the interests of the few.--And if decided on this broad and just ground,

the railway must pass through the interior. In whatever light the subject was viewed, (sectional interests excepted,) whether on the score of economy, general usefulness, promoting emigration, developing the resources of the country, settling the waste lands--or on the broad principles of justice to all--there could be but one opinion; and that was, that the Grand Trunk Line should pass through the centre of our country as near as practicable. Surely the subject of emigration was one that should have some weight with hon. gentlemen. Now what, he would ask, would contribute more to this object than a railway running over 300 miles through a fine country, where land was cheap? If the road ran along the front, what new country would be brought under the eye of the traveller that cannot, and in many instances had not, already been seen by those who have travelled by the St. Lawrence? He held in his hand a letter lately received from a gentleman in high standing in his county; a gentleman of sound judgment and with whom he was happy to agree on this subject, though they might differ on some points of political economy,--he alluded to the late member for the County of Dundas. (Here Mr. R. read from the letter above referred to.) Now he contended that the opinion of that gentleman--known as he was to many hon. gentlemen who held seats in that house--was entitled to some consideration; the more so, as Mr. Crysler was well acquainted with the country and the wants of its inhabitants; and his opinion was worthy of more weight, coming as it did from one located on the frontier and owning a large property there. And then, if we turn our attention to the press, scarcely a newspaper (trammelled as they are by the local influences around them) has dared to advocate the front line; but most of them have come out decidedly in favor of the back or central one.--The comparative cheapness of the right of way was another argument in favor of going back, as well as the rise in value of real estate, which would be (if we except the towns) four fold in favor of the route he contended for. In fact, as he had already stated, no sound argument had, or could be given in favor of the front line, nor was it attempted, but they appeared to him to be settled in committee, on the old plan of "you scratch me, and I will scratch you." And so it was to be voted through the house to accommodate sectional interests, at the sacrifice of public weal, as well as common justice, while the important principle of "the greatest good to the greatest number," was entirely lost sight of. He (Mr. R.) contended, and he challenged contradiction, that the legitimate object of railways was this, while they afforded a medium of communication between distant points, the line of route should be such as to afford facilities of intercourse through the inland portions of the country which are deprived of the benefit of water communication. Let this road be what its name indicates a "grand trunk" line, into which branches may be made from both sides, and not from one only, as would be the case if located along side of our magnificent water communication, the greatest in the world, and with which this road would have to compete, if located by its side. He (Mr. R.) had considered the subject well, and had not changed his mind on this question, but advocated the same route now on the floor of the house that he had been favorable to ever since the question had been agitated in the country; he was prepared with documents that were well written, and in a style to which he (Mr. R.) made no pretensions, and which were incontrovertible, and proved, beyond a doubt, that the view he took of this matter was the correct one, but as hon. gents seemed impatient to get the "question", and appeared to be determined to carry it through in its present shape, right or wrong, he supposed he must submit. But he had the consolation of knowing that he had done his duty, and had no doubt but that some hon. gents would have to account for this night's proceedings to their constituents. He would not, therefore, trespass on the patience of the house¹²⁹, as he perceived that hon. members were exceedingly impatient to take the vote¹³⁰, by reading what hon. gents might read for themselves¹³¹, which he would be happy to lay before the House¹³²; but should give his cordial

support to the amendment before the House.¹³³

MR. PATRICK had supported the proposition of the Attorney General, but he should oppose this amendment, as he had been informed by Mr. Ross, the engineer, that the route as far as Kingston, according to the bill, was the best that could be selected.¹³⁴

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Dubord, Jobin, Langton, Macdonald of KINGSTON, Malloch, Mattice, Merritt, Ridout, Rose, Shaw, Stevenson, Street, Valois, Viger, Willson, and Young.--(19.)

NAYS.

Messieurs Burnham, Cartier, Cauchon, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Dumoulin, Fergusson, Hartman, Hincks, Laurin, LeBoutillier, Marchildon, McDougall, Morin, Murney, Papineau, Patrick, Poulin, Robinson, Rolph, Sicotte, Smith of DURHAM, Stuart, Taché, Turcotte, Varin, White, and Wright of East Riding of YORK.--(33.)

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So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

The Honorable Mr. Macdonald moved in amendment to the Question, seconded by the Honorable Mr. Badgley, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of adding the following Proviso at the end of the first Clause: 'Provided also that the said Railway shall not be constructed between the Cities of Kingston and Montreal, without the consent of the Montreal and Kingston Railway Company being first had and obtained thereto'" instead thereof;

And the Question being put on the Amendment:--It passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. MERRITT would call the attention of the House to the amendments which he intended to propose. The object of the first resolution is, that the Company should not have the right of constructing the best and cheapest part of the Grand Trunk Line, without being bound also to take that which is more expensive. It is well known that the road from Kingston to Montreal can be constructed very cheaply; and he believed it was also well known that the Government intended to afford the Provincial guarantee for the construction of a road from Quebec to Rivière du Loup, a distance of 120 miles. Now, he could not perceive what object was to be gained by making that piece of road, before an arrangement was completed with Nova Scotia and New Brunswick, to continue the road to Halifax.¹³⁵

(353)

The Honorable Mr. Merritt moved in amendment to the Question, seconded by the Honorable Mr. Viger, That all the words after "That" to the end of the Question be left out, in order to add the words, "the Bill be recommitted to a Committee of the whole House, for the purpose of considering the following Resolutions: 1. That it is expedient to require the Company proposed to be incorporated under the provisions of the said Bill to continue the Provincial Grand Trunk Line of Railway (in connection with the present Quebec and Richmond Line) from Quebec to the Boundary line of the Province of New Brunswick, upon

the same terms and conditions upon which they are to construct the Road from Montreal to Toronto; such extension to be commenced as soon as the Government of this Province is assured of the intention of the Province of New Brunswick to co-operate in continuing the Road to the Boundary line of Nova Scotia.

2. That in the event of the Committee agreeing to the proposed extension of the Grand Trunk Line of Railway from Quebec to New Brunswick, to consider of an Address to Her Majesty's Government, representing that this Province having authorized the construction of 910 miles of Railroad connecting the interior with the Atlantic sea-board at Halifax, for which a Public Debt will be incurred of £2,730,000: that a further Debt being required for the construction of 212 miles below Quebec, of £636,000, (providing the Imperial credit can be obtained,) which, with the present Debt of £5,000,000, incurred principally for internal improvements, will make an aggregate of near £8,000,000, sterling: that the late Imperial Administration having expressed their willingness to lend the credit of the British Government, if the Road be constructed for Military purposes on Major Robinson's line; it is therefore expedient that the construction of the proposed line below Quebec be delayed until this House is informed whether such Imperial guarantee can be obtained. 3. That it is expedient that the difference in the amount between the rate of interest paid under the Imperial guarantee, and the rate of interest received under the Provincial guarantee from the several Railroad Companies, be applied to create a Sinking Fund to make good any loss which may accrue in the construction of the said Grand Trunk Line of Railway throughout the Province,--the surplus, if any, to be applied towards the liquidation of the Provincial Debt;"

MR. MERRITT [said:] From the opinions which had been expressed by the House, he did not expect to carry his object; but he proposed merely to place the resolutions on the journals, in order to show that he did all in his power to guard the credit of the country. It might be said that this sum of £8,000,000 stg. is a very small sum in view of the great resources of this country; but he thought a wise and prudent statesman would provide a sinking fund, for the purpose of freeing the province from the debt. The British Government is pledged to lend its credit for the construction of a road from Quebec to Halifax, and he conceived that if we could obtain the money necessary for that purpose at 3 or 2½ per cent, as might reasonably be expected with the Imperial guarantee, and if companies could be found to execute that work, the money could be loaned to them at 6 per cent.; the difference between the 2½ per cent. paid by this province, and the 6 per cent. paid to the province by the companies would provide a sinking fund of £150,000 a year--quite sufficient to pay off the whole debt. That he held to be a sound financial arrangement, and he could not conceive that the Government of Great Britain would make any objection to it. They would not enquire as to the mode in which the money was expended, but solely as to whether the object for which it was obtained--the construction of the road between this city and Halifax--was effected.¹³⁶

MR. BROWN would vote for these resolutions as he agreed with them in some important points, and desired the discussion in committee asked for by the hon. member. At the same time, he desired to say that he dissented from some portions of the hon. gentleman's plan.¹³⁷

MR. INSP. GEN. HINCKS would explain very briefly some decided objections to the proposition of the member for Lincoln; in the first place, he opposed¹³⁸, as perfectly impracticable¹³⁹, any postponement of legislation on this subject until new negotiations are entered into¹⁴⁰ whether as regards the Imperial government or the Colonial governments, with whom this plan contemplated an arrangement¹⁴¹, more especially if those negotiations involve the necessity

of obtaining the consent of the Province of New Brunswick to the scheme. The difficulty of obtaining the consent of four different Governments and Parliaments to any one scheme of this kind had already been sufficiently experienced. The great difficulty this Government experiences is to discover some means of constructing a road from Miramichi--to which point the Government of New Brunswick propose to carry their line--to Trois Pistoles, or wherever else the road from the City of Quebec to which the member for Lincoln had referred, would be carried; and which will be constructed by a private Company, on getting the guarantee of the Province. No private company will undertake the road between Trois Pistoles and Miramichi, as the country is an unbroken wilderness, and it would, therefore, be necessary for the Government to undertake it at its own risk; for this purpose, he thought it very probable that the Imperial Government would be ready to grant assistance in the shape of a loan; but the proposition of the member for Lincoln would entirely relieve the Imperial Government from the necessity of so doing. The plan which Earl Grey was prepared to assent to, and which might, possibly, meet with the concurrence of Earl Derby's Government, was to give a definite sum of money, say £7,000,000 sterling, to be expended in the construction of a road between Halifax and Quebec, or Montreal, the road to be carried as much further as the money would go.¹⁴²

MR. BROWN asked whether it was the opinion of the Inspector General that Sir John Pakington would consent to that scheme?¹⁴³

MR. INSP. GEN. HINCKS thought it was exceedingly reasonable to suppose that the money would be given, if the three Provinces would unite on the construction of a road from Halifax westward, provided that Major Robinson's line was taken. The scheme that he proposed might not be successful, but he had no reason to believe that it would not be. It is this; a private company is willing to undertake the road from the city of Quebec to Trois Pistoles, or Rivière du Loup, at its own expense and risk, the Government guaranteeing £3,000 a mile, which is to be a first mortgage; from that point no company will undertake the road to Miramichi--250 miles--because¹⁴⁴ every body knew¹⁴⁵ there is no prospect of its becoming a paying road.¹⁴⁶

MR. CAUCHON said that part of the road was already under contract.¹⁴⁷

MR. INSP. GEN. HINCKS.--Not a mile of it.¹⁴⁸

MR. MERRITT.--Up to Shediac.¹⁴⁹

MR. INSP. GEN. HINCKS.--Shediac was south of Miramichi, on the line which New Brunswick had agreed to make. He should like to know who gave the member for Montmorenci his information.¹⁵⁰

MR. CAUCHON.--Mr. Jackson. Possibly he might have misunderstood that gentleman.¹⁵¹

MR. INSP. GEN. HINCKS.--The hon. gentleman had most assuredly misunderstood him. The information furnished him by Mr. Chandler by telegraph was, that a bill is under consideration of a committee of the whole of the New Brunswick legislature, with every prospect of its passing, authorizing the construction of the European line as far as the Maine boundary, and thence Northward through Shediac to Miramichi, there to stop. If we can carry the line to Trois Pistoles, or Rivière du Loup, by the means he had suggested, then it is anticipated that, by the joint action of the three Provincial Legislatures, Great Britain may be induced to give an annual sum of money for twenty-five or thirty years, sufficient to cover the expense of construction, and receiving in return the free transmission of her troops. If, however, the scheme of the member for Lincoln were adopted, the whole plan would be thrown overboard, and it would be difficult to say whether

the road would ever be built. His own opinion was, that the people of Nova Scotia should be left to their own resources for the construction of their road; they are now asking for Imperial aid, but he did not believe that they would get it. They will be told to look to the example of Canada and New Brunswick which are undertaking their works with their own resources. Well then, he believed, that the application which the member for Lincoln proposed to make would be a failure; but if we were in a position to show the British Government that we merely required assistance to complete the connecting link between Trois Pistoles and Miramichi to ensure the great object they always had in view, it would be obtained.¹⁵²

MR. MERRITT said that the Inspector General had explained his plan, which was to give the Provincial guarantee for £5,000 a mile at 6 per cent. to a company constructing a road to Trois Pistoles. Well, his plan was, that this Province should ask England itself to lend us the Imperial guarantee; by that means we can obtain the money at $2\frac{1}{2}$ per cent., construct the road, and by loaning it out at 6 per cent. to the companies who undertake the work, we will fill our coffers and provide the means of extinguishing the debt. If that were not a sound proposition he should like to see the objection pointed out. It would not in any way prevent the completion of the plan proposed by the Inspector General. He was willing to give the company the Provincial debentures, but he was unwilling to make this road down to Trois Pistoles until he could see some benefit which was likely to ensue. If the House understood his proposition, he felt confident that it would be sustained.¹⁵³

MR. BROWN said that the Inspector General had made a statement of very great importance to the discussion of this question. He had admitted that the Home Government were quite willing to give £7,000,000 stg. to the Province, provided they could be satisfied that the line of road would be completed to Halifax; and (as he understood the hon. gentleman) he thought that the sum of money might not be obtained. If that were the fact, and he fully believed that it was, the absurdity of going on with this bill must be apparent. What is the bargain that the Province is at present entering into? Mr. Jackson, as we understood, had agreed to construct the road from Quebec to Trois Pistoles--150 miles; from that point to the New Brunswick frontier the distance is 120 miles; then the Provincial guarantee is to be given on the road from Quebec to Melbourne--95 miles; and also on the road from Hamilton to Montreal--386 miles; in all, 785 miles. At £10,000 a mile, the expense will be £7,855,000: 6 per cent on that sum will cost the country £450,000 a-year, independently of the cost of all the other roads we are building. Let any one notice the extent of the responsibility we are incurring. We have already authorized contracts to the extent of £15,000,000, the interest on which will amount to nearly £1,000,000 a year. This must be extracted from the labour of the people. Now, if the Imperial Government were willing to give us the money, it would evidently be an act of downright folly not to take it. The Inspector General must admit that a road could be built cheaper for cash than for securities, and he thought, he would not deny that if we had the money in hand, we could complete the road in the very best style for £7000 per mile. He had statistics and documents in his possession to show that no road had been so built, except under circumstances the most unfavourable, which cost more than £7000 cy. a mile. If, therefore, these 785 miles of road could be constructed for £7000 instead of £10,000, the cost would be reduced from £7,855,000 to £5,395,000; and if the money could be obtained at $2\frac{1}{2}$ or 3 per cent, say the latter price, the whole interest would be £161,850; or an annual saving of £291,000. Hon. gentlemen might say that this loan of interest will not come out of the public treasury; and it will have to come out of the pockets of the people; and he would like to know for what Government is constituted but to promote the general interests

of the public? The hon. gentleman talked about the road between Trois Pistoles and Miramichi as a great difficulty; but that road could be built for the saving on interest between Lord Grey's proposal and Mr. Jackson's contract.--Nothing showed the fallacy of this measure more clearly than the consideration that Earl Grey had offered to advance £7,000,000 stg., and received in full payment of principal and interest, twenty-two annual payments of £6 10s. for every £100 so advanced. That is to say, by making these twenty-two payments, the road would be our own, and free from all debt. The Inspector General's scheme places us in a position by which the country will incur a debt of £15,000,000, whereas, under Lord Grey's proposal, the work could be completed for £10,000,000; and thus, were two thirds of the amount of interest proposed to be paid to Mr. Jackson, in perpetuity, paid annually under the other plan for 22 years--the road would be free of debt. The case was so obvious that he could imagine no argument against it.¹⁵⁴

MR. INSP. GEN. HINCKS hoped that the hon. member would not make him appear to state that as a certainty, which he had himself described, as being only a probability. The hon. gentleman appeared to forget that New Brunswick would not consent to the construction of a road on Major Robinson's line, and, voted the proposition out of the House almost unanimously.¹⁵⁵

MR. BROWN did not think that the Inspector General took a correct view of the case. If the people of New Brunswick knew that they could get the road constructed at no expense to themselves, they would certainly not reject the proposition. It is well known that the Legislature of that Province agreed to give £25,000 a-year, as a bonus towards building this very road. There was no evidence to show that they had withdrawn from that position, in fact it would be absurd to suppose that they would do so--running as the road would through so large a portion of New Brunswick. But if they should refuse to go on, it would be better for us, taking all the advantages to be derived from the guarantee into consideration, to construct the road from Miramichi to New Brunswick, at our own risk. He could not believe, however, that there was any fear that New Brunswick would refuse to join in the arrangement. There was evidently a great change in public opinion in that Province. The Inspector General said that it would take a long time to effect the arrangement, and that we might lose all by delay; but there was not the slightest necessity for delay. Mr. Jackson does not intend to build the road with his own hands; and even if he did, he could not go to work now. The services of Engineers can be obtained by the Province, quite as capable as those of Mr. Jackson. The survey can be made while the arrangement with the other provinces is being effected; and the expenses they induced, might stand as the first item of debt on the road, no matter into whose hands the construction finally fell. The advantages and disadvantages of the two schemes were apparent at a glance, and he thought that it would be better for the House not to proceed with this matter until they ascertained whether there was a possibility of obtaining the grant from the Imperial Parliament; according to the expressed opinion of the Inspector General, it might in all probability be obtained; and if it could, the folly of going on with the present scheme must force itself on the minds of every one.¹⁵⁶

MR. INSP. GEN. HINCKS said that the member for Kent founded all his hopes on a renewal of the negotiations with the Imperial and Provincial Governments. Well, for his (Mr. Hincks's) part he was sick and tired of those negotiations.--He did not wish to go again to Downing street, merely to break down and lose time. With respect to the scheme of the member for Lincoln, for obtaining this money at $2\frac{1}{2}$ or 3 per cent., and loaning it out again at 6 per cent, it was a very brilliant one he would admit, but there was no prospect whatever, that the Imperial Government would lend the money to be used in that manner.¹⁵⁷

MR. CAUCHON believed that there was a great change coming over the people of New Brunswick with respect to Major Robinson's line, and that by the valley of the St. John. He was told recently by a member of the Executive Council of that Province, that they are now convinced that the road through the valley of the St. John would cost £20,000 a mile; and that parties were at this moment exploring, for the purpose of proving to the people that Major Robinson's line is the only one that should be adopted. He thought, therefore, that the obstacles which the Inspector General feared that New Brunswick would throw in the way, were no longer to be apprehended, and that negotiations might be renewed with every prospect of success. The unwillingness which the hon. gentleman manifested to the renewal of those negotiations with Downing Street was perfectly natural, in view of the antagonism which he had succeeded in establishing with the Colonial Office. The Inspector General would not, perhaps, be the most successful negotiator that could be chosen, but that was no reason why others should not be so.¹⁵⁸

MR. YOUNG said it must be evident to all who had given the subject any attention, that the loan from Great Britain could not be obtained unless the three Provinces united for the purpose of carrying out the road to Halifax. He was not at all astonished at the remark of the Inspector General, that he was tired of negotiating, for he had toiled to effect this object with a devotion which merited the esteem and admiration of the country: nevertheless, he thought it was a duty to the Province to make another attempt to get this loan. At the time when that hon. gentleman went to England, New Brunswick would not consent to the northern line, but if there is the slightest chance now, of obtaining the ascent of New Brunswick by negotiations for that line, then he was of opinion that it should be attempted. We are now on the eve of winter, and nothing can be done on the road until the spring. Six months would suffice for completing the negotiations, and if they terminated satisfactorily, a much better arrangement could be obtained than by anything then before this House.¹⁵⁹

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And the Question being put on the Amendment; the House divided and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Dubord, Camble, LeBoutillier, Macdonald of KINGSTON, Merritt, Tessier, Viger and Young.--(11.)

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NAYS.

Messieurs Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Dumoulin, Fergusson, Fournier, Gouin, Hartman, Hincks, Lacoste, Langton, Laurin, Lemieux, Mackenzie, Sir A.N. MacNab, Malloch, Marchildon, Mattice, McDougall Morin, Murney, Paige, Papineau, Polette, Poulin, Attorney General Richards, Robinson, Rolph, Seymour, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Stuart, Taché, Terrill, Valois, Varin, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(51.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Boulton moved in amendment to the Question, seconded by Mr. Wright of the West Riding of York, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the names of all the persons mentioned in the first Clause, and inserting the names of 'John G. Bowes, Thomas G. Ridout, Thomas Ridout, James Cottor, Robert C. Wilkins, Lewis Wallbridge, Francis

Wallbridge, A.C. Thomson, A.K. Boomer, James Ross, J. Cumming, J. Easton, G.M. Redmond, A.W. Hynchman, A.M.D. Clute, Charles E. Romain, J. Hutchinson, W.H. Ponton, David Roblin, Andrew Jeffrey, the Honorable Peter McGill, George Etienne Cartier, Henry Chapman, and the Honorable George Pemberton" instead thereof;

MR. BOULTON said, in making his amendment, that he did not expect it to be carried, judging from the indecent haste with which the measure had been introduced. And he took the opportunity of alluding to certain attacks which had been made on his character previously--(loud cries of order, order, increased to such a height that the chair interfered.)¹⁶⁰

After some conversation by the hon. J.A. MACDONALD, [MR. INSP. GEN.] HINCKS and [MR.] MURNEY on the statements made by the member for Norfolk (Dr. Rolph) it was resolved that Mr. Boulton be not allowed to make explanations.¹⁶¹

MR. BOULTON resumed by expressing a hope that the House would go upon some principle and insert the names of the parties professing to be interested, unless there was some job in contemplation which had not yet seen the light.¹⁶²

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Lyon, Malloch, Marchildon, Murney, Ridout, Wright of West Riding of YORK, and Young.--(9.)

NAYS.

Messieurs Badgley, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Dubord, Fournier, Gamble, Gouin, Hartman, Hincks, Lacoste, Laurin, LeBlanc, LeBoutillier, Lemieux, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Mattice, Norin, Paige, Papineau, Patrick, Poulin, Attorney General Richards, Robinson, Rolph, Seymour, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Stuart, Terrill, Tessier, Turcotte, Varin, Viger, Willson, and Wright of East Riding of YORK.--(48.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Patrick moved in amendment to the Question, seconded by Mr. Lyon, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the words 'Towns of Brockville and Prescott' in the

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first Clause, and inserting the words 'rear of Elizabethtown and Augusta, as surveyed eastwardly by Thomas C. Keefer, Esquire, and known as his first Survey'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Gamble, Jobin, Lyon, Macdonald of KINGSTON, Malloch, Marchildon, Mattice, Patrick, Ridout, Rose, Shaw, Valois, Willson, and Young.--(16.)

NAYS.

Messieurs Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Fournier, Gouin, Hartman, Hincks, Lacoste, Langton, Laurin, LeBlanc, LeBoutillier,

Lemieux, Mackenzie, Mir A.N. MacNal, Morin, Murney, Paige, Papineau, Poulin, Attorney General Richards, Robinson, Rolph, Seymour, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Stuart, Terrill, Tessier, Turcotte, Varin, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(43.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BROWN said, there were certain resolutions which he desired to propose, so as to render the bill as perfect as possible. He would ask any person to imagine the comment a stranger who knew nothing of what had taken place would make, if this bill were put into his hands. There is nothing in it to show its real purport. Would it appear by its face that £10,000 per mile was to be given for the construction of the road? Does it afford the slightest security that the road will be made? Does it designate the character of the road to be built? The names of the English capitalists¹⁶³, Brassey, Peto & Co.¹⁶⁴, whose unlimited means have been so much vaunted, are not even inserted in the bill; but instead, there were the names of certain parties who were to act as middlemen between the people of this province, and the contractors. In order to bring out the point to which he referred, he moved [an] ... amendment¹⁶⁵.

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be again referred to the Standing Committee on Railroads, Canals, and Telegraph Lines, with an Instruction so to amend it, that it shall bear on its face the character of the work to be executed upon the Road, and the terms and conditions on which it shall be so executed" instead thereof;

MR. MACKENZIE was going to vote against the amendment, because he intended to vote against the bill altogether. He had not however, harrassed the Government by a useless opposition¹⁶⁶ proposing a continued succession of amendments¹⁶⁷, having limited himself to some few suggestions.¹⁶⁸ He felt the responsibility on the government to let them in as they liked.¹⁶⁹ Nevertheless, it was clear that the Government would take their own way; they did so last year, and what had come of it?¹⁷⁰ He saw nothing like a railroad yet.¹⁷¹ If, by any means, the Province could secure those £7,000,000 sterling, of which he heard so much said, and if a railroad could be constructed from Quebec, to the site of the ancient Louisburg, it would be a grand thing, no doubt, for Canada, and make an immense change in this city, which, on the boundary of civilization, had remained exactly the same for the last three hundred years. He hoped the money could be obtained, and as there appeared to be some probability of it, he would vote against the entire bill.¹⁷²

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Fergusson, Gamble, Langton, Marchildon, and Stuart.--(7.)

NAYS.

Messieurs Badgley, Burnham, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Dumoulin, Fortier, Fournier, Gouin, Hartman, Hinks, Jacoste, Laurin, LeBlanc, Lemieux, Mackenzie, Mattice, Morin, Murney, Paige, Papineau, Patrick, Poulin, Attorney General Richards, Ridout, Robinson,

Rolph, Seymour, Shaw, Short, Smith of DURHAM, Stevenson, Street, Terrill, Tessier, Turcotte, Varin, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(49.)

So it passed in the Negative.

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And the Question being again proposed, That the Report be now received;

MR. RIDOUT said it was very apparent, from the large number of amendments offered, that there was a very great difference of opinion with regard to the eligibility of the line of road laid down in the [f]irst clause; he had voted for these amendments, because he was not satisfied with the distinction made between the road from Toronto to Kingston, and that from Kingston to Montreal. His own opinion was, that so far as the lower part of the road is concerned, a line through the interior would be more beneficial, but he should propose to leave the question open, a decision to be made after the completion of the survey.¹⁷³

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Mr. Ridout moved in amendment to the Question, seconded by Mr. Brown, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House for the purpose of leaving out the word 'Kingston' after the word 'between' in the first Clause, and inserting the word 'Toronto'" instead thereof;

MR. BROWN rose to speak¹⁷⁴.

MR. J. SMITH (Durham) manifested some impatience¹⁷⁵.

MR. BROWN remarked that he thought the conduct of the hon. member for Durham most indecorous. He and Mr. Crawford had got their own purpose served, and now they wanted to stop all inquiry.¹⁷⁶ [He] could not understand how any person, with any degree of fairness, could support the distinction made in the clause. Below Kingston, the interests of the Province were to be considered; above Kingston, they were not. The whole thing seemed to be a manoeuvre, to suit particular interests. Why was a front line, running at all hazards in to certain towns, chosen by the committee?¹⁷⁷ Every individual concerned had got something. Brockville was stuck in; an attempt was made also to put in Dickinson's Landing; [and] Port Hope was got in¹⁷⁸ because the members for Hamilton, for Hastings, for Kingston, for Brockville, and for Durham are on the front--they each have an end--and for these ends they supported each other.¹⁷⁹ The least that these gentlemen could do, would be to allow fair discussion.¹⁸⁰ The thing was evidently most censurable.¹⁸¹

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And the Question being put on the Amendment, the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Dubord, Fergusson, Gamble, Hartman, Langton, Le-Boutillier, Lyon, Mackenzie, Marchildon, Mattice, Ridout, Shaw, Stevenson, Street, Tessier, Turcotte, Valois, White, Willson, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(24.)

NAYS.

Messieurs Burnham, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Dumoulin, Fortier, Fournier, Gouin, Lacoste, Laurin, LeBlanc, Lemieux, Morin, Murney, Papineau, Patrick, Poulin, Robinson, Attorney General Richards, Rolph, Seymour, Short, Sicotte, Smith of DURHAM, Stuart, Terrill, and Varin.--(34.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BROWN said, that there was a practice on the railroads in the United States, to carry through messengers at a much lower rate than way passengers, for the purpose of competing with the steamers, and rival lines. He thought that persons travelling only short distances should get the benefit of any such reduction in charge, when they were resorted to.¹⁸²

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of adding the following Proviso at the end of the third Clause: 'Provided always that no greater sum per mile shall be charged on way passengers or way freight, than will be chargeable on passengers or freight passing over the whole line'" instead thereof;

MR. AT. GEN. RICHARDS would mention, that the maximum rate, as fixed by the bill, was 2d. per mile: consequently it would be impossible for the company to charge any more. If there were a reduction in the rates for through travel, it would be an additional advantage to the line.¹⁸³

MR. BROWN was aware that the maximum rate was 2d. per mile, and the company might possibly charge that rate on persons travelling a short distance; while a reduction of a halfpenny or a penny might be made on through travellers, so as to draw the traffic from other lines. He thought that this would do an injustice to way passengers, whom he desired to put on the same footing as the others.¹⁸⁴

MR. BOULTON said this was a very important amendment inasmuch as very high rates of fare and freight were allowed¹⁸⁵ and should certainly be adopted by the House.¹⁸⁶ Now, it was said competition with the river and American lines would keep down the price; but that would not prevent the poor farmer from going from point to point.¹⁸⁷

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words, "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the words 'Three million pounds sterling' in the fourth Clause, and inserting the words 'Two millions five hundred thousand pounds sterling, including the Government guarantee'" instead thereof;

MR. BROWN [said] he made this motion, because it appeared evident that Mr. Jackson might take the £3,000,000 and the Provincial guarantee besides.¹⁸⁸

MR. CARTIER.--No.¹⁸⁹

MR. BROWN.--The hon. gentleman would find that it was so, as there is no connection whatever between the fourth and twenty-seventh clauses.¹⁹⁰

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BROWN moved that the thirteenth clause, giving the power of voting by

proxy to the directors, be expunged. It was a power never before granted in any railroad charter.¹⁹¹

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words, "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the thirteenth Clause" instead thereof;

MR. MACKENZIE would certainly vote for that amendment. It was a grand humbug that thirteenth clause.¹⁹²

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Badgley, Boulton, Brown, Burnham, Dixon, Dubord, Fergusson, Gamble, LeBoutillier, Lyon, Mackenzie, Sir A.N. MacNab, Malloch, Marchildon, Mattice, Papineau, Patrick, Ridout, Seymour, Shaw, Street, Stuart, Terrill, Valois, Willson, Wright of West Riding of YORK, and Young.--(27.)

NAYS.

Messieurs Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dumoulin, Fournier, Gouin, Hartman, Lacoste, Langton, Laurin, LeBlanc, Lemieux, Morin, Murney, Poulin, Attorney General Richards, Robinson, Rolph, Short, Sicotte, Smith of DURHAM, Stevenson, Tessier, Turcotte, White, and Wright of East Riding of YORK.--(31.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

MR. BROWN moved that the fifteenth clause be expunged. It was the most extraordinary clause ever introduced into a railroad charter; as it conferred on an agent in England, all the powers which the bill proposed to vest in the directors. Such a thing was never heard of before.¹⁹³

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the fifteenth Clause" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Dubord, Gamble, Lyon, Mackenzie, Malloch, Marchildon, Stuart, Tessier, Valois, Wright of West Riding of YORK, and Young.--(13.)

NAYS.

Messieurs Burnham, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Dumoulin, Fergusson, Fournier, Hartman, Lacoste, Langton, Laurin, LeBlanc, LeBoutillier, Lemieux, Sir A.N. MacNab, Mattice, Morin, Murney, Papineau, Patrick, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Seymour, Shaw, Short, Sicotte, Smith of DURHAM, Stevenson, Street, Taché, Terrill, Turcotte, Willson, and Wright of East Riding of YORK.--(43.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received; Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the twenty-fifth and twenty-sixth Clauses" instead thereof;

MR. BROWN.--They confer on the Government the power of assuming the proprietorship of the road; but it would be much better to have no such provision than one coupled with such extravagant conditions as were inserted in this bill. It would be much safer for the legislature to rest on the natural right over corporations than accept a condition of paying 200 per cent., in the event of exercising the right.¹⁹⁴

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And the Question being put on the Amendment:--It passed in the Negative. And the Question being again proposed, That the Report be now received;

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, to place the said Railroad Company on the same footing as all other Companies in regard to the Provincial guarantee, and with that view to leave out the words 'but provided the limits above mentioned be not exceeded, the said guarantee may, notwithstanding any thing to the contrary in the said Acts, be given to the extent of Forty thousand pounds sterling, so soon as it shall be ascertained by the Report of any Engineer or Engineers to be appointed for that purpose by the Governor of this Province, that One hundred thousand pounds sterling, has been actually, and with due regard to economy, expended on the said Railway by the said Company, in work or materials delivered on the ground or both conjointly; and whenever it shall be ascertained in like manner that another sum of One hundred thousand pounds sterling, has been so expended as aforesaid, then the guarantee of the Province may be given for another sum of Forty thousand pounds sterling, and so on toties quoties until such guarantee shall have been given to the whole extent hereby before limited' in the twenty-seventh Clause" instead thereof;

MR. BROWN.--The object of the resolution was simply this:--at present all the Railroad Companies must finish fifty miles before they can obtain the Provincial guarantee for half the amount; but in this bill the Government was authorized to advance forty per cent. merely on proof that £100,000 had been expended by the Company--it might be on the mere grading or on the delivery of material--without any security that the work would be finished. He proposed to put this Company on the same footing as all other Railroad Companies in that respect--and his resolution struck out the words authorizing the exception and left the Company on the footing of the general Railway Act.¹⁹⁵

MR. BOULTON said that the clause afforded the Province no security whatever. The Company might claim the guarantee for £40,000, merely on depositing iron here, or, in fact for taking it back again. In all other bills there was a provision that the fifty miles of road should be completed, before the Provincial guarantee could be obtained.¹⁹⁶

MR. CARTIER would inform the member for Toronto, that previous to last year, the Railroad charters contained the provision that he spoke of; but the general Railway Act of last year rendered the completion of fifty miles unnecessary.

The clause in the bill was strictly in accordance with the requirements of that Act.¹⁹⁷

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Fergusson, Gamble, Lyon, Macdonald of KINGSTON, Malloch, Marchildon, Seymour, Street, Valois, and Young.--(13.)

NAYS.

Messieurs Burnham, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Crawford, Dixon, Attorney General Drarmond, Fournier, Hartman, Hincks, Lacoste, Langton, Laurin, Leblanc, Lemieux, Mackenzie, Sir A.N. MacNab, Mattice, Morin, Murney, Papineau, Patrick, Poulin, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Shaw, Short, Sicotte, Smith of DURHAM, Stevenson, Stuart, Taché, Terrill, Tessier, Turcotte, Willson, and Wright of East Riding of YORK.--(44.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received; Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "That" to the end of the Question be left out, in order to add the words, "the Bill be recommitted to a Committee of the whole House, for the purpose of adding the following Proviso at the end of the twenty-seventh Clause: 'Provided always that the Government may, in its discretion, negotiate the Debentures for the said guarantee, and pay in cash the amount of the said guarantee, not exceeding Three thousand pounds sterling, per mile, as aforesaid'" instead thereof;

MR. BROWN [said:] His object was this: the bill enabled the Government to give its debentures to the contractors; these debentures are at the present moment at a large premium, and he thought it was but right that the Province should get the benefit of that premium. There was another consideration; the Inspector General had said a few days ago, that if he had a loan to negotiate now, he would try to get a 5 per cent. loan, and he thought he would succeed. He concurred fully in that opinion, and wished to know what necessity there existed for issuing the debentures of the Province at six per cent., when cash can be obtained for 5 per cent debentures. Intelligence had arrived that very day, that the Boston Water Works Company had arranged a loan with Barings' house, at 4½ per cent. for twenty years. If this were the case, the House certainly ought not to permit Mr. Jackson to pocket the immense sum to be reaped from the premium on six per cent. debentures. If they had any desire at heart for the interest of the country, the House must support his proposition.¹⁹⁸

MR. BOULTON said that the vote would prove that they had neither the good of the country at heart, nor the independence to support such a proposition as that of the member for Kent. This Province is certainly in a better position than the Boston Water Works Company, and the Provincial debentures ought to be worth more than those of a private Company, yet the Inspector General was willing to give Canada 6's at par, when that private Company was actually able to dispose of its bonds nearing interest at 4½ per cent. at the same rate. He really could not understand the object of the hon. gentleman, except it was that he intended to give these contractors a bonus of £120,000. The debentures of the Province are now worth 15 or 16 per cent. premium, and it was useless to tell him that that price would be reduced by the issue that will be made under the operation of this bill. When people told that if you take a million of debentures into market, you would by that means depress it, his answer was, that it was a perfect

fallacy. (Hear.) Instead of depressing the market, you would in reality obtain a higher price for them. (Hear, hear.) There was no country in the world whose debentures ought to stand so high as those of Canada,--and there is no country whose bonds were so low, for while the securities of a Pennsylvania Railroad Company, have been sold at 3 l-5, while the highest we ever got for Canada 6's, was 3 per cent.¹⁹⁹

MR. INSP. GEN. HINCKS said that the member for Toronto was trying to make out a case; by endeavouring to show that the Government would confer a bonus on the contractors--a bonus, by giving them our 6's at par; but the hon. gentleman should bear in mind, that the bonds of the Government are to be exchanged for the bonds of the Company, also bearing interest at 6 per cent. If the member for Kent, wished the Government to negotiate the debentures, and then transfer the cash to the contractors, he thought it would be easy to show that instead of the Province making money by the transaction, it would lose by it. It would be impossible for the Province to lose anything by the proposition which he submitted, as the contractors will themselves have to negotiate all the debentures, and incur all the liability resulting from that negotiation. With respect to what had been said by the member for Toronto, as to the low price at which the Provincial bonds sold, he would mention as a proof that they were taken at a fair valuation, that at the last operation on the part of the Government in 1849, he was in London and tried several bankers without being able to obtain an offer for them at all; they were then disposed of to Baring Brothers at par. Since that time the Portland Railroad Company's bonds had been disposed of, at the very highest price, he believed, which could be obtained for them in the market.²⁰⁰

MR. YOUNG had done the best he could with them.²⁰¹

MR. INSP. GEN. HINCKS.--Undoubtedly. Then, it is apparent that the Canada bonds have been sold for their fair market value. With respect to the subject more immediately under consideration, he repeated that the Province has nothing whatever to lose, as it merely gives its debentures for a certain sum of money, receiving in exchange the bonds of the company, bearing the same rate of interest.²⁰²

MR. BROWN differed with the Inspector General. That hon. gentleman made a distinction between the people and the Government of this country; but he could not recognize that distinction. It would be undoubtedly the interest of the Province to construct the road as cheaply as possible, and if the bonds were negotiated at 5 per cent. instead of 6 per cent., then there would clearly be a saving of one per cent. There was another view of the case which, apparently, had not occurred to the Inspector General, and that was, that the country ought to get the benefit of the premium on our debentures instead of allowing it to go into the pockets of Mr. Jackson. If he would observe, the contractor gets the premium under the clause of the bill; but if the proviso were appended to the clause, the country would receive the premium.²⁰³

MR. GAMBLE was of opinion that the argument of the Inspector General was quite fallacious. If the contractors received the debentures of the Province they would obtain, at the existing premium £480 a mile more than the bill pretended to give them. He could not understand how any member of the House could vote in favour of such a proposition.²⁰⁴

MR. J.A. MACDONALD (Kingston) agreed fully with the member for South York. If he understood the bill, it proposed to give the debentures to the extent of £3000 towards the construction of the road; if that were the agreement, nothing more should be given.²⁰⁵

MR. INSP. GEN. HINCKS.--That was not the agreement.²⁰⁶

MR. J.A. MACDONALD continued. If the debentures are now worth 15 per cent. premium, it would be a losing bargain indeed to issue them at par, for the current of trade show that in twenty years time exchange on London may be effected at a much more favourable rate than at present.²⁰⁷

MR. AT. GEN. RICHARDS said that the proposition, as he understood, was to give the Provincial guarantee for £3000 a mile. That was the understanding of the Railroad Company, and of the House, and was, also, the expectation of the country. If he were correct in supposing that that was the understanding arrived at, then it ought to be carried out.²⁰⁸

SIR A. MACNAB said that if the debentures were given for £100, when they were worth £115, it was evident that the parties who received them would derive an extra profit to that extent. There could be no difficulty as to that point.²⁰⁹

MR. INSP. GEN. HINCKS replied that it was a case exactly similar to that of the Great Western Company. That Company applied under the act for bonds bearing the Provincial guarantee, received them, and sent home £200,000 for negotiation in the English market. The Company will, of course, receive the proceeds of the bonds, whatever it may be. It is not to be supposed that the Province will receive this premium of which the hon. gentleman had spoken, because an exchange will be made of the bonds of the Government for the bonds of the Company, at the same moment, and bearing the same rate of interest.²¹⁰

MR. BROWN said that there was an essential difference between the two cases; in one, the profit would go into the pockets of the Great Western Company, but in the other it will go into the pockets of Mr. Jackson, without any consideration to the country or even to the Trunk Line Company.²¹¹

MR. INSP. GEN. HINCKS said that that did not make one iota of difference. With reference to the remark of the member for Kingston, he thought every person would agree with him in the opinion that the rate of interest will be higher twenty years hence than it is at present; and therefore the Province would not lose by negotiating its bonds at 6 per cent.²¹²

MR. J.A. MACDONALD replied that the parties who are to get the £3,000 a mile ought to be quite satisfied with that, without seeking to get this 15 per cent. premium. It became, however, a material object to the Province to obtain that premium, as it will have 5 per cent annually during twenty years. For that reason it was evident that the Government would make a losing bargain by giving debentures instead of paying cash.²¹³

MR. GAMBLE understood perfectly the position of the Inspector General, that the Province would not lose, in one point of view by giving the debentures; but, in another point of view, he considered that it would incur a positive loss to the extent of 15 per cent. The total value of the debentures given by the Province would be £4350 per mile; and the Inspector General might mystify the subject as much as he pleased, but one thing was evident--that that sum of £4350 per mile was within £75 per mile of one of the estimates of the cost of the road between Kingston and Montreal.²¹⁴

MR. LANGTON said the fallacy of the Inspector General's argument lay here: if our bonds are worth 115, we certainly do not need to borrow £100 in order to pay Mr. Jackson that sum. The Government might go into the market as a borrower of £90 instead of £100, and yet hand £100 over to Mr. Jackson.²¹⁵

MR. INSP. GEN. HINCKS said that the fallacy of the member for Peterborough, consisted in supposing that there was any agreement in any of the negotiations between Mr. Jackson and the Government, that he was to get a certain sum of money in cash; the agreement was to pay over a certain sum of money in bonds,

and it would be just as well to throw over any other conditions of the agreement as this one. The condition was most distinctly and unequivocally that bonds bearing interest at 6 per cent. were to be given.²¹⁶

MR. LANGTON said that if the original bargain was that £3000 were not to be paid in cash but in debentures, the House was bound to carry out that agreement.²¹⁷

MR. BOULTON said the Inspector General had told the House the other evening that all the agreements were at an end, and Mr. Jackson [was] going home. Which statement was true? That there was no agreement or that there was?²¹⁸

MR. BROWN rose and stated that the results of giving 6 per cent. bonds to Mr. Jackson, would be to give Mr. Jackson exactly £204,000 besides the £3,000 sterling per mile. This was the sum at stake on his (Mr. Brown's) amendment, and the country should know it.²¹⁹

MR. INSP. GEN. HINCKS said there was a difference between an agreement which was legally binding, and that which a minister made as an honorable man upon his own responsibility.²²⁰

MR. BOULTON read a resolution of the railway committee, to the effect that Mr. Jackson undertook to make the road for the provincial guarantee of £3,000 per mile. He would like to know if that meant debentures.²²¹

(358)

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Dixon, Dubord, Fergusson, Gamble, Jobin, Langton, Lyon, Macdonald of KINGSTON, Malloch, Marchildon, Murney, Papineau,

(359)

Ridout, Stevenson, Street, Stuart, Valois, Wright of West Riding of YORK, and Young.--(22.)

NAYS.

Messieurs Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Attorney General Drummond, Hartman, Hincks, Lacoste, Laurin, Mackenzie, McDougall, Morin, Patrick, Poulin, Attorney General Richards, Robinson, Rolph, Rose, Shaw, Short, Sicotte, Smith of DURHAM, Terrill, Turcotte, Varin, White, and Willson.--(31.)

So it passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Ridout moved in amendment to the Question, seconded by the Honorable Mr. Macdonald, That all the words after "That" to the end of the Question be left out, in order to add the words, "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the words 'Three millions pounds' in the fourth Clause, and inserting the words 'Two millions seven hundred and fifty thousand pounds'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Burnham, Dixon, Fergusson, Gamble, Jobin, Langton, Macdonald of KINGSTON, Malloch, Marchildon, Papineau, Ridout, Seymour, Stevenson, Street, Stuart, Valois, Willson, Wright of West Riding of YORK, and Young.--(22.)

NAYS.

Messieurs Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Attorney General Drummond, Hartman, Hincks, Lacoste, Laurin, Mackenzie, Sir A.N. MacNab, Mattice, McDougall, Morin, Murney, Patrick, Poulin, Attorney General Richards, Robinson, Rolph, Rose, Shaw, Short, Sicotte, Smith of DURHAM, Taché, Terrill, Tessier, Turcotte, and Varin.--(34.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Friday next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Chabot, seconded by Mr. Solicitor General Chauveau,

The House adjourned.

[NOTICE OF MOTION RE: PROPERTY LOSSES IN LOWER CANADA DURING
THE REBELLION OF 1837-1838.]

MR. LEBLANC donne avis qu'à la seconde lecture du bill sous le titre: "Acte pour donner effet à certains procédés en vertu de l'acte, intitulé: 'Acte pour indemniser les personnes dans le Bas-Canada, dont les propriétés ont été détruites durant la rébellion des années 1837 et 1838,'" il fera motion que cette chambre se forme en comité général, pour prendre en considération les résolutions qui suivent:--

1. Résolu,--Que l'acte de la 12e Vic., chap. 58, intitulé: "Acte pour indemniser les personnes dans le Bas-Canada, dont les propriétés ont été détruites durant la rébellion des années mil huit cent trente-sept et mil huit cent trente-huit," a pour but d'indemniser toute personne qui a éprouvé des pertes par la destruction totale ou partielle, injuste, inutile ou malicieuse de ses habitations, édifices, propriétés et effets, et, par la saisie, le vol ou l'enlèvement de ses biens et effets, dans et à l'occasion de la suppression de la rébellion; si telle personne n'a pas été convaincue du crime de haute trahison ni exilée aux îles Bermudes pour ce crime ou autres offenses de même nature, tel qu'il est plus au long mentionné au proviso du préambule du susdit acte.

2. Résolu,--Que l'acte en question ayant été passé dans le susdit but, toute personne qui n'a pas été convaincue ou exilée comme susdit et qui a perdu en la manière suséxprimée, a droit, en vertu de cet acte, à l'indemnité de sa perte ainsi occasionnée, c'est-à-dire, qui n'a pas été causée par la conséquence nécessaire de sa résistance aux troupes ou de quelque autre fait de sa part de participation à la rébellion qui fût une cause nécessitante de telle perte; et que toute personne, non convaincue ni exilée comme susdit, qui a perdu en la susdite manière, n'a pu être exclue du bénéfice de cette indemnité pour le fait de participation à la rébellion, si ce fait par sa nature n'a pas entraîné la perte soufferte par telle personne comme conséquence nécessaire et inévitable.

3. Résolu,--Qu'il appert, par les procédés de la commission nommée sous l'autorité du susdit acte, que beaucoup de réclamants qui ont prouvé avoir perdu aux conditions voulues pour être indemnisés, et qui n'ont pas été condamnés ni exilés comme susdit, n'ont pas cependant été admis au susdit bénéfice; mais en ont été exclus; les uns par la raison, alléguée aux actes de leur exclusion, qu'ils avaient pris part à la rébellion, bien que cette part n'ait été en aucune manière la cause nécessitante de leurs pertes; et les autres parcequ'ils avaient été rejetés par la commission nommée sous l'ordonnance de la 1ère. Vic., chap. 8, quoique le susdit acte n'ait fait aucune exception des réclamants ainsi rejetés par cette commission.

4. Résolu,--Qu'il appert de plus, par les susdits procédés, que la susdite commission sous le susdit acte a exclu plusieurs réclamants pour ce fait de participation à la rébellion sur des preuves purement ex parte, et conséquemment nulles, en supposant qu'elle pût les exclure pour tel fait; qu'elle a agi d'après des principes différents entre différentes sections des réclamants, dont deux très grands, quoique ces diverses sections fussent soumises aux mêmes principes dans leurs catégories respectives; et qu'elle a commis des irrégularités préjudiciables aux réclamants.

5. Résolu,--Que toutes les exclusions contraires au but de la loi sont illégales et une violation des droits acquis en vertu du susdit acte aux réclamants illégalement exclus.

6. Résolu,--Que cette chambre devra, pour empêcher la consommation de cette violation, amender le susdit bill de manière à assurer aux personnes injustement

exclues les droits leur résultant du susdit acte.

7. Résolu,--Qu'il sera d'autant plus juste et expédient d'amender le susdit bill, pour l'objet sus exprimé, que les personnes illégalement exclues l'ont été sans le savoir, les procédés de la susdite commission ayant été secrets jusqu'à leur production en cette chambre, le ou vers le treize de ce mois; et aussi parceque quant aux personnes exclues pour cause de participation à la rébellion, ces personnes n'ont pu même se douter que la susdite commission, en rendant ses décisions, s'était arrogée le droit de les convaincre de cette participation et de les en punir par la privation du susdit bénéfice, attendu que l'acte susdit n'accordait aucune juridiction à cet égard, et que l'amnistie générale, accordée par l'acte de la 12e. Vic., chap. 30, interdisait l'exercice de telle juridiction.

8. Résolu,--Que ces réclamants illégalement exclus, n'ayant pas connu leur exclusion, n'ont pu ni en appeler par Certiorari ou autrement, pour faire déclarer nulle, la juridiction exercée par la commission, si elle n'était pas un tribunal légalement constitué pour l'exercice de telle juridiction; ou pour faire réviser et infirmer ses décisions, si, étant tel tribunal, elle ne l'était pas en dernier ressort, ni s'en plaindre (de leur exclusion) au gouvernement afin d'en obtenir la justice qu'il aurait par lui rendre ou lui faire rendre; et que n'ayant pu ni appeler ni se plaindre comme susdit, il est du devoir du parlement qu'il amende le susdit bill pour l'objet suséprimé.

9. Résolu,--Que si cet amendement n'a pas lieu, et que par suite les réclamants illégalement exclus ne soient pas indemnisés, avec les réclamants admis, sur les argents destinés à compenser leur pertes, le parlement sera en justice tenu d'approprier d'autres argents pour indemniser ces réclamants illégalement exclus, afin de remplir à leur égard la promesse mentionnée au susdit acte.²²²

[NOTICE OF MOTION RE: APPEAL FROM DIVISION COURTS OF U.C.]

MR. CRAWFORD [gave notice that he would introduce a] Bill, intituled, "An Act to give an Appeal from the several Division Courts in Upper Canada, and for other purposes mentioned."²²³

[NOTICE OF MOTION RE: PETITION OF THE WARDEN AND REEVE OF THE UNITED COUNTIES OF LINCOLN AND WELLAND.]

MR. STREET [gave notice that he would move] that the 64th and 66th Rules of this House be dispensed with, as far as the same relate to the Petition of the Warden and Reeve of the United Counties of Lincoln and Welland, praying for a more permanent Union of the Counties, with power to them ... [to] select a place for a County Town.²²⁴

FOOTNOTES: 27 OCTOBER 1852.

1. GLOBE, 4 November 1852.
2. IBID.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 28 October 1852, QUEBEC GAZETTE, 29 October 1852, PILOT, 30 October 1852, MONTREAL GAZETTE, 30 October, 1 November 1852, and BRITISH COLONIST, 2 November 1852. The debate was also reported by JOURNAL DE QUEBEC, 30 October 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 29 October 1852, and HAMILTON SPECTATOR WEEKLY, 4 November 1852.
9. JOURNAL DE QUEBEC, 30 October 1852.
10. MORNING CHRONICLE, 28 October 1852.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 28 October 1852, QUEBEC GAZETTE, 29 October 1852, PILOT, 30 October 1852, MONTREAL GAZETTE, 30 October, 1 November 1852, and BRITISH COLONIST, 2 November 1852. The debate was also reported by GLOBE, 4, 6 November 1852. The following papers noted the debate in identical accounts: HAMILTON SPECTATOR DAILY, 29 October 1852, and HAMILTON SPECTATOR WEEKLY, 4 November 1852. The debate was also noted by JOURNAL DE QUEBEC, 30 October 1852.
16. GLOBE, 4 November 1852.
17. QUEBEC GAZETTE, 29 October 1852.
18. GLOBE, 4 November 1852.
19. QUEBEC GAZETTE, 29 October 1852.
20. GLOBE, 4 November 1852.
21. IBID.
22. QUEBEC GAZETTE, 29 October 1852.
23. GLOBE, 4 November 1852.
24. QUEBEC GAZETTE, 29 October 1852.
25. GLOBE, 4 November 1852.
26. QUEBEC GAZETTE, 29 October 1852.
27. GLOBE, 4 November 1852.
28. QUEBEC GAZETTE, 29 October 1852.
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30. QUEBEC GAZETTE, 29 October 1852.
31. GLOBE, 4 November 1852.
32. IBID.
33. QUEBEC GAZETTE, 29 October 1852.
34. GLOBE, 4 November 1852.
35. IBID.
36. QUEBEC GAZETTE, 29 October 1852.
37. GLOBE, 4 November 1852.
38. IBID.
39. IBID.
40. QUEBEC GAZETTE, 29 October 1852.

41. IBID.
42. GLOBE, 4 November 1852.
43. QUEBEC GAZETTE, 29 October 1852.
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56. QUEBEC GAZETTE, 29 October 1852.
57. GLOBE, 4 November 1852.
58. IBID.
59. QUEBEC GAZETTE, 29 October 1852.
60. GLOBE, 6 November 1852.
61. QUEBEC GAZETTE, 29 October 1852.
62. GLOBE, 6 November 1852.
63. QUEBEC GAZETTE, 29 October 1852.
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73. QUEBEC GAZETTE, 29 October 1852.
74. GLOBE, 6 November 1852.
75. QUEBEC GAZETTE, 29 October 1852.
76. GLOBE, 6 November 1852.
77. QUEBEC GAZETTE, 29 October 1852.
78. GLOBE, 6 November 1852.
79. QUEBEC GAZETTE, 29 October 1852.
80. GLOBE, 6 November 1852.
81. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 29 October 1852, QUEBEC GAZETTE, 29 October 1852, MONTREAL GAZETTE, 1 November 1852, BRITISH COLONIST, 2 November 1852, PILOT, 2 November 1852, NORTH AMERICAN SEMI-WEEKLY, 16 November 1852, and NORTH AMERICAN WEEKLY, 18 November 1852. The debate was also reported by GLOBE, 6 November 1852. LA MINERVE, 30 October 1852, contained a commentary which noted that: "M. Rolph administra à M. Boulton un châtement sévère, et celui-ci poussé au pied du mur, s'évertuait à nier et à désavouer tout ce qui lui était échappé dans un moment de chaleur et d'emportement."
82. QUEBEC GAZETTE, 29 October 1852.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.

88. GLOBE, 6 November 1852.
89. QUEBEC GAZETTE, 29 October 1852.
90. GLOBE, 6 November 1852.
91. IBID.
92. QUEBEC GAZETTE, 29 October 1852.
93. GLOBE, 6 November 1852.
94. QUEBEC GAZETTE, 29 October 1852.
95. GLOBE, 6 November 1852.
96. IBID.
97. QUEBEC GAZETTE, 29 October 1852.
98. GLOBE, 6 November 1852.
99. QUEBEC GAZETTE, 29 October 1852.
100. GLOBE, 6 November 1852.
101. IBID.
102. QUEBEC GAZETTE, 29 October 1852.
103. GLOBE, 6 November 1852.
104. IBID.
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107. QUEBEC GAZETTE, 29 October 1852.
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114. GLOBE, 6 November 1852.
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127. GLOBE, 6 November 1852.
128. IBID.
129. QUEBEC GAZETTE, 29 October 1852.
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131. QUEBEC GAZETTE, 29 October 1852.
132. GLOBE, 6 November 1852.
133. QUEBEC GAZETTE, 29 October 1852.
134. GLOBE, 6 November 1852.
135. IBID.
136. IBID.
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138. IBID.
139. QUEBEC GAZETTE, 29 October 1852.
140. GLOBE, 6 November 1852.
141. QUEBEC GAZETTE, 29 October 1852.
142. GLOBE, 6 November 1852.
143. IBID.

144. IBID.
145. QUEBEC GAZETTE, 29 October 1852.
146. GLOBE, 6 November 1852.
147. IBID.
148. IBID.
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162. IBID.
163. IBID.
164. QUEBEC GAZETTE, 29 October 1852.
165. GLOBE, 6 November 1852.
166. IBID.
167. QUEBEC GAZETTE, 29 October 1852.
168. GLOBE, 6 November 1852.
169. QUEBEC GAZETTE, 29 October 1852.
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174. QUEBEC GAZETTE, 29 October 1852.
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176. IBID.
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185. QUEBEC GAZETTE, 29 October 1852.
186. GLOBE, 6 November 1852.
187. QUEBEC GAZETTE, 29 October 1852.
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- 216. IBID.
- 217. IBID.
- 218. IBID.
- 219. IBID.
- 220. IBID.
- 221. IBID.
- 222. LE PAYS, 3 November 1852.
- 223. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
- 224. IBID.

THURSDAY, 28 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Brown,--The Petition of the Reverend John McKennon and others, the Congregation of Chalmers' Church, Sydenham, Owen's Sound; the Petition of George Glover and others, of Fergus and its vicinity; the Petition of the Reverend John M. Rogers and others, of the Town of Peterborough; the Petition of the Reverend William Troup and others, of English River and vicinity; the Petition of Murdoch McMillan and others, of Kenyon and vicinity; the Petition of the Reverend Richard Lonsdell and others, of Laprairie; the Petition of the Reverend Lachlan McPherson and others, Presbyterians of Lobo; the Petition of William Wright and others, of the Township of Egremont; and the Petition of Thomas O. Adkins and others, of the Township of Arthur.

By Mr. Christie of Wentworth,--The Petition of Richard Arthur and others, of the Township of Binbrook.

By Mr. Sicotte,--The Petition of Etienne Migneault and others, of the Town of St. Hyacinthe.

By the Honorable Mr. Cameron,--The Petition of the Municipality of the Township of Goderich.

By Mr. White,--The Petition of the Municipal Council of the County of Waterloo.

By Mr. Jobin,--The Petition of the Reverend E. Blyth and others, of the Seigniory and County of Beauharnois; and the Petition of William Henderson and others, of Ste. Martine and other Parishes, in the County of Beauharnois.

Pursuant to the Order of the day, the following Petitions were read:--

Of Lawrence Laurason, Esquire, and others, of the Town of London; praying that the Petition of the Town Council of the said Town for the passing of an Act to confirm a certain By-Law of the said Council for closing up a certain part of Wellington Street in the said Town, and establishing a Market thereon, may not be granted.

Of John McDonald, Esquire, and others; praying for the passing of an Act to authorize the Toronto and Guelph Railway Company to extend their line of Railway to the Town of Stratford, and from thence to the Town of Goderich, and also to Port Sarnia.

Of William Lambert and others, of a Suburban part of the City of Toronto; praying that that part of the said City lying east of the River Don, and south of the Kingston Road, may be detached from the said City and annexed to the Township of York, in the County of York.

Of the Reverend Edouard Crevier and others, representing the Fabrique of the Parish of St. Hyacinthe; praying for the passing of an Act to provide for the more effectual administration of the affairs of the new Diocese of St. Hyacinthe.

Ordered, That the Petition of John C. Ball and others, Councillors of the Municipal Council of the United Counties of Lincoln and Welland; and the Petition of Lawrence Laurason, Esquire, and others, of the Town of London, be referred to the Standing Committee on Standing Orders.

Ordered, That the Petition of John McDonald, Esquire, and others, be referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

On motion of Mr. Cartier, seconded by Mr. Sicotte,

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Ordered, That the Select Committee on the Toronto Election Petition, have leave to adjourn until Thursday the 18th of November next, in order to allow the Petitioners to procure evidence and witnesses in support of their case.

MR. BOULTON rose to a question of privilege, and for the purpose of moving that the Committee on contested elections be instructed to enquire if any undue influence had been used to induce persons to sign the petition against his return, he would state that he had requested the Committee to report to the House the evidence that had been adduced, who had replied that he might take what course he deemed proper. It was clearly laid down, he said, in Chambers' Practice of Parliament, that when a supposition was entertained of undue influence having been used in getting up a petition, that it should be enquired into previous to the merits of the petition being entertained. He had therefore adopted the present course, and would state the facts on which he made the request he did. It had been given in evidence before the Committee, that the petition was presented by a member of the House, who had declared that he did not receive the petition from any one of the petitioners, and was not requested by any one of them to present the petition against his return. It was further stated, that he found the petition enclosed in an envelope, on his table in the House, and had been told by the member for Haldimand that he was to present it; and he had no doubt it was laid on the table by the Attorney General West. It was also stated before the Committee, that an agent had met the parties who signed the petition, and who said they did not intend to proceed with it; and no direct evidence had been given of any one having authority to proceed in this matter. It was also stated that one of the petitioners had been in the city, who had said they did not intend to proceed. The recognizance, he said had not been entered into by persons sent from Toronto, but by a person residing in the District of Prince Edward; and he was prepared to state his firm conviction, that the recognizance was put in by a member of the House, and who he had no doubt was indemnified for so doing. He had received information, he said, from Mr. Gatchell, who had been made a fool of, and who with other persons expressed their regret that the petition had been proceeded with; and he declared that he never had spoken to the petitioners, and had never required persons to withdraw their names. He looked upon the whole proceeding as a violation of the privileges of Parliament, and that some connection must be proved between the petitioners and the person acting for them. The only thing that had been done, had been a declaration by an individual who appeared before the Committee, that he had been instructed by the Mayor of Toronto, whose name did not appear on the petition, to appear, and that he did so appear; but he refused, and he would not let the Committee see the contents of the letter to that effect, but only read two or three lines.¹

MR. AT. GEN. RICHARDS enquired if it was in order to discuss the proceedings of the Committee?²

MR. BOULTON said he represented 30,000 persons, and it was on their account that he contended against an attempt to invade the privileges of the House. No one could produce a title of evidence against his holding his seat, and on behalf of the constituency which he represented, he asked for the maintenance of those privileges which were sanctioned by the law of Parliament, and for an enquiry into the manner in which the petition found its way before the House. It may have been found in the streets, or the names may have been forged, or it might be intended to use it for the purpose of intimidating him; and it might be that the letter ... who received it, to proceed, unless under certain circumstances. It was the first time, he said, that the Committee had ever sat, and they might not be aware of their responsibility. He did not impute blame to the members of that Committee, who left him to pursue the course he thought proper. If such a proceeding as had taken place with reference to this petition, was permitted, a sham petition might be held over the heads of members, which would destroy their independence, unless the House and the Government discharged their duty. When the Committee should decide that he ought to hold his seat, he would then

retire from the House, confident of having discharged his duty. It was the duty of a government which was properly constituted, which was not the case with the present government, to take up the subject, and if they neglected to do so, it was the duty of the opposition to see that the fullest permission was given to the Committee, to enquire into the matter; and if the facts he had stated were proved, it would be for the House to say if the transaction was fraudulent or the conduct of the member presenting the petition was correct. He then quoted from Chambers to show that where fraud had been perpetrated, or any undue influence had been used, the Committee were bound to enquire into the merits of the election.³

MR. CARTIER said, the motion of the hon. member for Toronto was out of order. It was not more than twenty minutes since the Committee had made a report, in which it was stated, that at the desire of the counsel for the petitioners, and with the consent of the opponent, they had asked permission to adjourn until the 18th of November. That report having been agreed to by the House, the Committee had adjourned till the day mentioned, and with the consent of the member for Toronto. The motion, he said, was out of order in a ten-fold sense--he had no right to make the motion under any circumstances. He should not, however, discuss that question; but as the House had granted delay on the merits of the contestation, if the member for Toronto had intended to make his motion, he should have made it before.⁴

MR. J.S. MACDONALD the SPEAKER decided that the House could not entertain the motion. If any fraud could be proved, the subject could be brought before the House; but that body had no right to instruct the Committee.⁵

MR. J.A. MACDONALD, of Kingston, said it was an important question, and should be settled on principle. It was a matter of grave and serious importance.⁶

MR. BOULTON withdrew his motion.⁷

SIR A. MACNAB said, if the statements that had been made were true, the conduct of the member who had introduced the petition was a violation of the high privileges of the House, as he had no right to present it, under the circumstances referred to. Every member, he said, was answerable to the House for the petitions which he presents; and because a petition had been laid on his desk, it did not follow that he should present it. He concluded by saying, that the member for Toronto should bring the subject up by petition.⁸

MR. AT. GEN. RICHARDS said, a member was not responsible for the manner in which a petition came into his hands. If he were satisfied that it contained a proper statement, and was not libellous, and that parties had petitioned the House, he had a right, and might consider it his duty to present it. He was responsible, however, that the signatures were bona fide, and if it should turn out that they were not so, then he would not have exercised due diligence; but if he were satisfied that the signatures were true, then he had a right to present the petition.⁹

MR. LANGTON said that the statement of the hon. member, that he found the petition lying on his desk, was not made before the Committee. He had afterwards said that he did not know where it came from, but thought it came from Attorney General Richards.¹⁰

MR. AT. GEN. RICHARDS said he would tell all he knew about the petition. He saw a letter from Mr. Cotton, asking if the petition was forwarded, to see that it was presented, and that the recognizances were entered into. He thought, as a member of the Government, that he ought not to take any part in the proceedings, and asked the member for York to present it. He afterwards looked over

the petition, and saw that it was correct, and Mr. Roblins became the security.¹¹

MR. HARTMAN said, he understood the member for Hamilton to say, that in presenting a petition which he found on his desk, he was guilty of a high contempt of Parliament. He wished to inform the hon. gentleman that he saw the petition before he found it on his desk, and was satisfied that the signatures were genuine; and he would say farther, that he showed it to the member for Toronto, who said it was all right, and that he had not the slightest objection whatever to its being presented. He held, that in presenting the petition he did perfectly right, being satisfied of the genuineness of the signatures, and he considered it his duty to present it.¹²

MR. MACKENZIE said he saw the petition, and had no doubt as to the correctness of the course which had been taken; and when the subject was enquired into farther, it would be found to be what is vulgarly called a mare's nest.¹³

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The Honorable Mr. Badgley, from the Select Committee appointed to try and determine the matter of the Petition of John Strachan, Esquire, complaining of an undue Election and Return for the County of Huron, informed the House, That the Committee had determined,

That the allegations set forth in the Petition have not been proved.

That the Honorable Malcolm Cameron was duly elected to represent the County of Huron, at the last Election for that County.

That the Petition of John Strachan, Esquire, is not frivolous or vexatious.

That the defence of the sitting Member is not frivolous or vexatious.

And the said Determinations were ordered to be entered on the Journals of this House.

On motion of Mr. Sicotte, seconded by Mr. Terrill,

Ordered, That the Select Committee on the Megantic Election Petitions, have leave to adjourn until Wednesday next at Ten of the clock in the forenoon, the Parties interested having prayed for this delay previous to being heard on the merits of that part of the matter in contestation relative to which witnesses have been heard.

Mr. Leblanc, from the Standing Committee on Standing Orders, presented to the House the Nineteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Petition of William Lyon Mackenzie, Esquire, for power to carry into effect the Will of the late Robert Randall; and find that the Notices have been duly given.

They have also examined the Petition of the Mutual Fire Insurance Company for the County of Montreal, for power to wind up their affairs; and they find that Notice has not been given; nevertheless, a certified copy of a Resolution adopted at the last annual meeting of the Members of the said Company, in favor of the present application, having been laid before Your Committee, they beg to recommend that the Notice be dispensed with.

Upon the Petition of the Town Council of St. Hyacinthe, for certain alterations in the limits of the said Town, Your Committee find that Notice has been published for the requisite length of time in a French newspaper, but not in an English paper within the District; it has however been published in the Canada Gazette also for upwards of two months, and a Petition has been presented to Your Honorable House in opposition to the measure, proving the application to have been sufficiently well known; under these circumstances, Your Committee would respectfully recommend that the Notice be considered sufficient.

Upon the Petition of the Town Council of the Town of London, praying for authority to close up a certain part of Wellington Street in that Town, Your

Committee find that no Notices have been given.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to provide by one general Law for the incorporation of Electric Telegraph Companies," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes rela-

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tive to the same," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

The Honorable Mr. Rolph, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General,--Returns of Commutations of Tenure effected within the Crown Domain in the Censive of Quebec,--within the Censives of the late Order of Jesuits, in the Districts of Quebec, Montreal, and Three Rivers,--and within the Censive of the Seigniorship of Lauzon, from the 1st of May, 1851, to the 31st July, 1852, pursuant to the directions of the Provincial Act 10 & 11 Vic. cap. 111.

For the said Returns, see Appendix (H.H.H.)

On motion of Mr. Smith of Durham, seconded by Mr. Fergusson,

Ordered, That the 70th Rule of this House be suspended, in so far as relates to the Bill for the relief of John K. Roche, Esquire, Deputy Provincial Land Surveyor.

Ordered, That two hundred and fifty additional copies of the Bill to simplify and alter the practice, pleadings, and proceedings in the Superior Courts of Law and Equity and County Courts in Upper Canada, be printed in English for the use the Members of this House.

The House resumed the further consideration of the Question proposed, yesterday, That an humble Address be presented to His Excellency the Governor General, expressing the sense of this House, that some regulations ought to be made for the purpose of preventing any Member of the Executive Council, or other Public Officer, from taking or receiving any commission, gratuity, or reward, from any Person or Corporation, or from deriving any profit or advantage, directly or indirectly, on account of anything done or to be done by him in or in any way relating to the raising of any Loan, whether required for Public Works in this Province, or for other Provincial purposes, or for the payment or securing the payment of any money to be borrowed for the purpose of paying Loans already made, or debts now owing by any Municipal Corporation in this Province, or for the purpose of making a new Loan of money for such Municipal Corporation.¹⁴

MR. COM. CR. LANDS ROLPH, whose speech was cut short by the hour having arrived for calling the orders of the day on the preceeding evening, continued his remarks. He alluded to the pertinacity with which the member for Toronto persisted in his attacks on the Inspector, which he believed was not warranted by the usual mode of parliamentary proceedings. The motion which had been introduced by the hon. member for Quebec had no reference to his case; and when he introduced his motion, he accompanied it with an assurance that he was not actuated by any personal motives, and did not mean to apply it to the Inspector General; but based it upon general principles, and with reference to what he had heard from members around him. Assuming this to be true, the hon. gentleman

could not but feel surprised at the member for Toronto taking a course that was contrary to the acknowledged views of the gentleman whose motion he was invited to second, and which placed the member for Quebec in a false position. To suppose that the hon. mover had intended that the seconder should make an attack, would be inconsistent with his known feeling and honourable conduct in the House. Either one of two propositions was correct.--That the member for Quebec intended to assail the Inspector General, which he did not believe--or the member for Toronto agreed to second the motion, and abused the confidence reposed in him, by making an assault which the member for Quebec disavowed. Had that gentleman been acquainted with Parliamentary practice, he would have stopped the member for Toronto, as he did not seem to understand that he was committed by the course which the latter had pursued, and who had abused the confidence of the hon. member for Quebec, by converting his motion into the very object which he disavowed. The member for Toronto, he said, had over and over again evinced a determination to injure the character of the Inspector General; he repeats charges to which a satisfactory explanation had been given. Notwithstanding all this, he is found in the House and out of it, scanting out in the upper and lower town, all he can that may prove injurious to a fellow member. He is found abusing the confidence of honourable men, and bringing forward the contents of a letter of which he had obtained a glimpse. Now, if that is the way members are to act for the purpose of injuring each other, the sooner they separated [sic] the better. The member for Toronto, after hearing the explanation of the Inspector General, writes a letter to a gentleman in Montreal, and asks him to tell him that his honour is concerned; and hopes in this way to elicit new means of attack. The letter he received in reply was more courteous than the attempt deserved, but contained an unequivocal disavowal of the statements which had been attributed to him; and he then endeavours to obtain private information from another gentleman. Such is the manner in which the member for Toronto attempts to glean scandal for the purpose of assailing the Inspector General. They had heard him complain that evening about a petition being got up against his return, without letting him know; nothing is to be clandestine, so far as he is concerned; yet he is pursuing the very course which he had denounced as mischievous and meddling, with reference to the Inspector General. He obtains information from merchants of character, and the first they know, their ... he (Mr. R.) had seen of the Messrs. Gilmour, he believed them utterly incapable of appropriating private letters to mischievous purposes; and he was satisfied, that had the member for Toronto told them for what purpose the information was intended, they would have repelled the application. The Inspector General had said that the member for Toronto had thrown a bombshell, but it had exploded in the hands of the individual, and had rather injured him than done that officer any harm. Bombshells are used by civilized nations in actual warfare, and is an evidence of civilization. The member for Quebec he (Mr. R.) was sure did not so intend his motion, but it had been averted by the member for Toronto into Pandora's box. This system, he said, should be discontinued; and if charges were to be made, as had been properly observed, they should be accompanied by a vote of want of confidence. Debates must be conducted with propriety, and the member for Toronto should be told by both sides of the House that he is not to indulge in personal attacks against the Inspector General, or any other member. The Inspector General had sat for years in the House, and the repeated attacks that had been made, had all fallen harmless, and had only brought discredit on those who made them.¹⁵

MR. BOULTON replied to the statements of Dr. Rolph last evening¹⁶, [and] said he had listened to one of the most personal attacks he had ever known. The hon. member for Norfolk had said at first, that he should confine himself to such remarks as ought to emanate from a Minister of the Crown, but he had not

done so. He (Mr. B.) had not been as long in the House as the Inspector General, but he had been nearly so; and had never made an attack upon any one, except as a public man, who, as such, must be held responsible for any dereliction of duty. That gentleman had referred to his private character, which had been repeatedly assailed, and which had afforded him an opportunity of explaining his conduct. Some transactions with the Bank of Upper Canada had been referred to, the other evening, by the Attorney General West, but the President of that Bank was one of his supporters at the last election, and he (Mr. B.) was at a loss to understand to what that gentleman had alluded. His private character, he said, had undergone the most severe scrutiny. He had belonged to a friendly society, from which he had wished to withdraw, because he did not feel in a situation to incur the expense of continuing a member, but was not allowed. An investigation of his conduct took place, and he had an opportunity of refuting the calumnies which had been circulated, during an investigation in which he requested that every charge or transaction connected with him should be rightly inquired into; and the consequence was, that the committee to whom the subject was referred, reported that there was not the slightest truth in the statements that had been made. He, therefore, set at defiance the aspersions that were made as to his private character, and was always happy when an opportunity was afforded him of refuting them. He said he had not stated that the member for Norfolk was staying at home and practising his profession after he had received the appointment of Commissioner of Crown Lands; but, that¹⁷ no minister was entitled to any salary as such until Gazetted¹⁸--and he had stated further, that he had put his hands into the public purse, and had taken £100¹⁹; that in taking £100, he acted illegally and without authority; and in putting his hand illegally into the Public Treasury for such purpose, he thought it would turn out he had also put his foot in it. The sum so taken was unauthorized by law, and the estimates voted were all absorbed before the £100 was taken--not last year, but since 1852, that this scandalous transaction should not appear in the public accounts laid before this House. But what were the facts as regards this £100?²⁰ The hon. member for Norfolk had alluded to his hunting up charges; but he never sent to the Messrs. Gilmour for the purpose of obtaining information on which to found a charge against the Government. He was shown the letter alluded to, but they would not give him a copy; and he was aware that he occupied a false position in the House, having brought charges which he had not yet been able to substantiate.²¹ The Inspector General said Dr. Rolph accepted office on 20th Sept., which was impossible to be true; the late Commissioner of Crown Lands being then in office and until nearly a month after. Were there two Commissioners at the same time?²² It was on the 22nd September that the public departments were ordered to leave Toronto; and he would be able to show that the member for Norfolk did not accept office till after that time.²³ The Departments were in Quebec by 8th October. Dr. Rolph was Gazetted on 28th October, and the public accounts of 1852, laid before the House, shewed Mr. Price was paid his salary up to 27th Oct., 1851²⁴, on which date the member for Norfolk was gazetted, but who insists that he was in office in September.²⁵ Moreover, it was well known that Messrs. Price, Lafontaine, Bourret and Leslie resigned together, some time in October, and their resignations were not accepted by the government for some time afterwards, and he thought it would puzzle the ingenuity of Dr. Rolph and Mr. Hincks together to reconcile these facts, and if facts, then these gentlemen must have stated wilful and deliberate falsehoods, and men who would do so, would not be incapable of acting as had been charged. As regarded the personal attack made upon him, he could only say he forgave it, though he regretted a minister of the crown could descend to personal attacks in refutation of charges against the public conduct of public men, and in which the whole Province felt a deep interest. As regards his character, he felt the opinion of the largest, wealthiest and most respectable constituency in Upper Canada, was of more value

than the malicious statements of a degraded traitor²⁶ to his country²⁷. He denied he had ever made a charge against the private character of any member, since he had been in Parliament and though he valued the advice and opinion of the hoary head of age grown grey in the honourable employment or in the service of his country, he loathed and despised the character or opinion of him whose hair had whitened in sedition and treason, and whose brow was crimsoned with the blood of his victims. He was accused also of a betrayal of confidence, to which he would say, that before seeing the letter referred to, the parties were informed of the object, and declaring it not to be private, offered at once to shew it as they previously did to other members of this House. But he asked if Dr. Rolph had a right to charge any man with a breach of confidence--did he never betray confidence? He did not desire to charge the Commissioner of Crown Lands with such disgraceful conduct, but he could not help stating that, in 1837, he did hear of an honorable gentleman who had accepted the most confidential and honorable position that could be assigned to man by the hands of the Representative of his Sovereign, to bear a flag of truce to a number of deluded people²⁸.

Here great interruption took place, parties declaring it was out of order-- [MR. J.S. MACDONALD] the SPEAKER decided it was in order²⁹.

MR. BOULTON [continued:] Instead of suggesting peace, he recommended fire and slaughter to his fellow citizens, and then skulked from the country, leaving his victims to ruin and misery. Whether the individual referred to was the hon. member for Norfolk or not, he would not pretend to decide; but all he would say was, that the name of this most celebrated character was John Rolph, who, by the Journals of Upper Canada, appears to have been expelled [from] the House for treason by a majority of 37 to 2.--After this, he hoped the hon. member would never again attempt to express an opinion of any man's character--it could injure none.³⁰

MR. CAUCHON approved of a declaration by the Legislature against the propriety of members of the Executive accepting these commissions; but would not vote for an address to His Excellency, because His Excellency had nothing to do with this subject, being obliged to accept such councillors as the majority of the people approved.³¹

[There were] some words from MR. J.A. MACDONALD.³²

MR. MACKENZIE rose to order: he considered that the member for Toronto should confine himself to the question before the House; but if he were permitted to go over the events of an entire lifetime, and to refer to what took place in 1837, there was no knowing to what it might lead. He called the attention of the Speaker to the question of order.³³

MR. J.S. MACDONALD the SPEAKER said gentlemen were allowed by the courtesy of the House to make explanations. He saw nothing personal in the remarks of the member for Toronto, who was only speaking hypothetically.³⁴

MR. COM. CR. LANDS ROLPH had no objection to that gentleman's proceeding with his remarks; but, with reference to the allusion just made by the member for Toronto, he had the declaration in writing under oath, of those who were near him the whole time, that the statements that had been made with reference to the flag of truce were untrue; and Mr. Robert Baldwin knew that everything was correct.³⁵

MR. MALLOCH hoped the hon. gentleman would avail himself of the earliest opportunity of putting what he had just stated in a tangible form, as from what he had heard, he had arrived at a different conclusion.³⁶

MR. MACKENZIE said, if this course were pursued by members of the House, what must they expect from those out of doors? and how could it be otherwise than that the scenes of 1849 would be re-enacted? The hon. gentleman might not perceive the consequences of his conduct; but it was evident that the feeling by which he was actuated would extend outside.³⁷

MR. BOULTON was not to be told that the Government of the country should be permitted to attack the personal character of individuals, and that no reply should be made from the other side; and if aspersions are cast upon an individual, it must be by those who had clean hands. The member for Norfolk had talked of the pertinacity with which he (Mr. B.) reiterated charges against the Inspector General, who is capable of defending himself. He had made charges that he believed to be true, one of which, with reference to the reduction of duty on red pine timber, involved a reflection upon the Governor General, and the President and Clerk of the Council.³⁸

MR. LANGTON, called the member for Toronto to order. He was alluding to a circumstance which was then before a Select Committee; and to which he had no right to refer in that state of proceedings.³⁹

For some time there had been repeated calls to order; but MR. BOULTON persisted in alluding to the former conduct of the member for Norfolk, amid an indescribable scene of confusion and noise.⁴⁰

MR. CAUCHON said he was in favour of the principle involved in the motion; but still he would not vote for the address to the Crown;--he would make a declaration of the House to that effect. If the Province required the services of men of talent in the Government, they must pay them adequately; and until this was done they would only obtain the services of secondary men, or of those who were wealthy or who were beggars.⁴¹

MR. J.A. MACDONALD, Kingston, thought a Bill should be brought in on the subject as is customary with judges and others holding office.⁴²

SIR A. MACNAB said, he could not let the subject pass without a few words; and should move that the main question be not then put.⁴³ He believed no good could come of the main motion ... [and] would vote for the previous question⁴⁴. But he conceived it of no advantage to disgrace public men in the public estimation there or elsewhere. If charges were made, he would be as ready as any member of the opposition for an investigation; but he would not by his vote or in any other way sanction the opinion that public men were destitute of character⁴⁵, or principle⁴⁶, whether reformers or conservatives, unless some act of villany were proved, when he would vote to turn them out of office. Those were not his own opinions, but were entertained by Sir Robert Peel, whose views he read from one of his speeches⁴⁷ on a similar subject in England.⁴⁸

MR. STUART was actuated by similar feelings to those of the gallant knight, and had always disclaimed any desire to cast imputations upon any member. The Inspector General's explanations had, he had declared, been perfectly satisfactory to him. He made his motion then on general grounds. If there had been delay since then, it was not his fault, even though it had given rise to discussions on all sorts of subjects, between the hon. member for Toronto, and members on the other side of the House.⁴⁹ The charges that had been made by the member for Toronto, were on his own responsibility, and without his (Mr. S's.) concurrence; and he deeply regretted the turn which the discussion had taken, and which he did not consider as calculated to promote the business of the country.⁵⁰ He denied the insinuations of motives then made by the hon. members for Kingston and Hamilton.⁵¹

MR. J.A. MACDONALD and SIR A. MACNAB denied that they had imputed any unworthy motives to the hon. member. They had merely spoken as to the effect of his motion.⁵²

MR. STUART was glad to accept this explanation, and was willing to withdraw his motion, on the understanding that he was to be allowed hereafter to introduce a legislative measure on the subject. He concluded by expressing his regret at the course the debate had taken as detrimental to the interest of the country.⁵³

MR. INSP. GEN. HINCKS explained that the reason why he requested the member for Quebec to postpone his motion, did not arise from any aversion to discuss it, but was owing to his not having had an opportunity to consult with his colleagues.⁵⁴

MR. STUART then withdrew his motion⁵⁵.

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And the previous Question being again proposed, That that Question be now put:--The said Motion and original Question were severally, with the leave of the House, withdrawn.

Ordered, That Mr. Cartier have leave to bring in a Bill to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Tuesday next.

On motion of the Honorable Mr. Young, seconded by Mr. Brown, Resolved, That this House will immediately resolve itself into a Committee, to take into consideration certain Resolutions on the Commercial Policy of this Country.

*The House accordingly resolved itself into the said Committee;*⁵⁶

MR. YOUNG stated, that notwithstanding his practical acquaintance with the subject, he did not feel capable of doing it justice; but he felt it to be a subject of the utmost importance, and one in which the future interests of Canada were involved. Commerce, he said, consisted in an interchange of the productions of one country with another, whether transported by land or water. If the annual labour of a country is its annual wealth, it should be facilitated [sic] by transports. For instance, the people of Canada had a surplus of productions to exchange for those of other countries, and consequently must be benefitted by the facilities that are afforded by transport. If a barrel of flour in Quebec costs twenty-five shillings, to transport which from lake Erie, costs seven shillings, it follows that the net price must be eighteen shillings, but under an improved system of transport, it can be brought to Quebec at present for one shilling and sixpence; hence twenty-three shillings and six pence would be the price instead of eighteen shillings, and consequently, improvement in time or cost of transport, adds to the annual labour of a country. If he were correct with reference to this general principle, it then becomes important to enquire, if the facilities of transport are as perfect as they can be made. The commerce of Canada, he said, had undergone a great change. In 1846 its productions were protected in England, but Canadians were pledged to buy goods in England, and they could not freight foreign ships for Quebec or Montreal, because they could not carry a cargo to a British port. Such was the state of things in 1846⁵⁷, when British Corn Laws were abolished⁵⁸, and when a state of great commercial depression existed in this Province, and the opinion was very prevalent, that a blow had been struck which nothing could remedy; others,

however⁵⁹, more hopeful⁶⁰, who looked to the resources of the country, predicted a more prosperous condition in every respect; and demanded freedom of trade, the freedom of the St. Lawrence, and the abolition of differential duties, with greater advantages to be enjoyed in the mother country. One of the ablest advocates of this policy, was the Inspector General, and if the House would permit, he would read extracts from the Pilot, a paper which the Inspector General at that time conducted, in support of every resolution which he was about to propose. The hon. gentleman then read a great many extracts from the Pilot, in which the abolition of the differential duties and free navigation of the St. Lawrence were spoken of as the only possible remedies for the supposed evils arising from the late change. One of these articles was headed "non-reciprocal trade not injurious to our interests." This article was based on one copied from the Economist whose views the Pilot declared it was most important to enforce in Canada. In another of these articles the Reciprocity measures of Mr. Merritt were discussed, when they were first brought before Parliament. It said, "Mr. Merritt bases his measure on reciprocity, in which we have no faith whatever." It further declared that the United States never would grant reciprocity, "no matter what letters Mr. Merritt had received."⁶¹ "That no act of ours can possibly influence the Americans." That "reciprocity was one of Mr. Merritt's crotchets." That "the proposition was an absurdity." That it would be "for the next ten years a bug-bear to frighten all the protectionists in the country." That they were clap traps; that the policy of Canada was to "legislate for themselves." That a lot more important thing was to secure the free "navigation of our inland waters, before which reciprocity sank into utter insignificance." In 1848 however, Mr. Hincks came into the government; but instead of acting upon his declared opinion, he began to negotiate for this very reciprocity he had before condemned.⁶² Negotiation succeeded negotiation at Washington; the hon. gentleman went there himself, and with a devotion which deserved a better result, toiled in vain to procure reciprocity; and now the question is, whether after having failed to obtain it, we should retaliate on the Americans, or carry out a system which is within our own control. So much has been said lately with respect to the prosperity of Canada, that it was scarcely necessary for him to enter upon that subject. However, he did not believe that our prosperity is anything equal to what it should be; that our position has been much injured by four years' begging after reciprocity. Had the policy recommended by the Inspector General in the Pilot, in 1846 and 1847, been persisted in, he believed that the country would be in a very different position now. That there is prosperity he had no doubt. Looking back for five years, we see that the freight of a barrel of flour from Kingston to Montreal was 3s.⁶³ before the St. Lawrence canals were completed⁶⁴; now it is 1s. 3d., and the transport is effected in one-fourth of the time.--From 1848 up to the present time, there has been a continual and gradual increase going on in the imports from sea; but there has been a much larger increase, in the same time, in the exports inland from Canada to the United States. In 1848, the drawback law came into force in the United States. Under this law, wheat and flour were permitted to enter the United States in bond; and quality for quality sell as high as any other kind. A vast trade has grown up in consequence, and he felt confident that the export inland during the present year would amount to nearly 500,000 barrels of flour. That trade is in a prosperous condition; it is gradually increasing; and he feared that ... on our part which would interfere with the existing relations, would be attended with the.... For instance, it was not improbable that, if a retaliatory policy were adopted by Canada, the drawback law would be repealed; and then, in what position would the farmers of Upper Canada and the merchants of Montreal be placed? The effect would be a complete disarrangement of the current of trade, attended by great mercantile embarrassment, and

for that reason he felt bound to oppose the policy of the Government. If reciprocity were granted to-morrow, the communications which now exist in the United States would still be the best to carry off the trade from Canada and from the Western States. Without some change was made, by which greater facilities could be obtained than those which exist as present, reciprocity could be of no material advantage. He saw no means by which the western trade could be led down the St. Lawrence. If there were any such means, he thought it was the duty of the House to adopt them. A very large sum has been expended by the Government on the public works, about £5,000,000, the interest on which is £225,000 a year; but those works can never have their full effect until the Saint Lawrence is thrown open throughout its entire length, to the vessels of all nations. At present, the schooner from the west is obliged to stop at Oswego or Ogdensburgh, as she has no object in coming lower down the river, not being permitted to meet the sea-going vessels at Quebec. The effect of throwing open the St. Lawrence would be this; the schooner laden at Chicago might go to Quebec, Labrador, Newfoundland, or Boston; the hundreds of vessels which are now employed on the western waters would then come down, and open up a commerce of the greatest importance. Then there is another point; the Government is about to establish a line of steamers running from Quebec--he should like to know, what would be the practical use of establishing that line if liberty were not granted to the western propeller to meet them at Quebec. If the western propeller could come down to Quebec, and thus afford to immigrants the easiest means of proceeding to their destination, the tide of emigration would soon be directed thither, from New York. Arrangements could then be made in Europe, for the passage of immigrants direct from Europe, as there would be only one transshipment to the West. The objection to this policy is, that we have a large export of agricultural products to the United States. He had shown on a former occasion, that the value of our agricultural products--wheat and flour--going into the United States, depends on the value at which these articles sell in the markets to which they are sent; and, quality for quality, they sell for as much as American produce. As regards the repeal of the duties on imports consisting of agricultural produce, the value of those duties appeared to him to be a mere trifle--the whole of the import duty last season on grain amounted only to £448; pork and provisions paid £4,752, which it would be much better to admit free, as the greater portion of it is consumed by the lumbermen. He would therefore advocate, instead of putting on heavy restrictive duties, to improve the navigation of the St. Lawrence, and all the other means of communications as much as possible, irrespective altogether of any action that the Americans may take. Another subject of great importance is the connection between Lake Champlain and the St. Lawrence. By means of this Canal he thought the best route for approaching the North-eastern States was afforded. Another very important work is the construction of a canal for the purpose of connecting Lake Huron, the Americans do not intend to make any canal at that point, for some time at least; and he was of opinion that the Government of Canada should immediately undertake its construction. Another matter is the improvement of the navigation of the St. Lawrence below Quebec. At present, there is only one light on the north shore, for a distance of 800 miles. This is a work in which the farmer is more interested than almost any one else, as every improvement in the means of transportation tends to enhance the price of every bushel of wheat in the country. It is proposed by Government to levy a higher rate of toll on American vessels passing through the Welland canal than at present; or rather to levy a toll on the Welland canal which shall cover the passage through all the canals; the effect would be that the vessel destined for Oswego would be compelled to pay the same as the vessel which passed through the St. Lawrence canals.--This gives an advantage of 2½d. per bl. to Buffalo; for every one knows that the rates of forwarding by Buffalo and Oswego are now

reduced to the very lowest rates, in consequence of the sharp competition which exists. Under the operation of the Government scheme, the Oswego forwarder would be exposed to a most ruinous competition; for, after reducing his rates to the lowest possible degree, the Buffalo forwarder would be enabled to make a reduction below him of 2½d. The trade would thus be driven from Oswego down the Erie Canal. If the St. Lawrence and Champlain Canal were constructed, the effect would be different, as vessels would then have some object in descending lower than Oswego. It was also proposed by the Government to impose differential duties in favour of the St. Lawrence. If this were carried out, he was convinced, that the difference would be paid by the people of the United States. He knew that a considerable difference of opinion existed on this subject. As a Montreal merchant he was in favour of saying to the people of Upper Canada "do not buy from us, unless you can buy as cheap as from others." He believed that if the St. Lawrence were opened there was nothing to prevent him from selling as cheaply as any New York merchant. He proposed that the duties on all raw materials required for manufacturing purposes should be remitted. He thought that was important. The whole of the duties thus remitted would be only £13,718.--Whatever policy might subsequently be thought best in relation to throwing open the St. Lawrence, he thought it was right that the Government of Canada should have the power of throwing it open or not, as might appear proper.⁶⁵

MR. INSP. GEN. HINCKS said the great strength of the hon. gentleman's argument seemed to consist in the fact that he (Mr. H.) had some years ago written some articles in the Pilot newspaper in favour of Free Trade; but, as the hon. gentleman knew, he (Mr. H.) was at the present moment as strong an advocate of Free Trade, theoretically, as the hon. gentleman himself, and is just as ready to defend its doctrines now as in 1846 or 1847; but he would confess that, in another point of view, he had modified his opinions. He had been convinced by his own experience, and the experience of those persons on whose opinions he could rely, that to accomplish commercial treaties for a country, it is not a wise course to legislate entirely irrespective of other countries. He was fully persuaded, and stated his opinion during the course of the discussion which followed the resignation of office by the member for Montreal--that if England, previous to repealing the Corn Laws, had insisted on the United States throwing off all duty on grain, he would have succeeded in obtaining reciprocity for us⁶⁶ in 1846⁶⁷. He was thoroughly convinced that, by adopting a judicious course of action even now, a commercial treaty might be made with the United States of a character highly advantageous to us; but this could not be expected if we were to persist in the policy of conceding everything to them, which was the policy of the Government at the time to which the hon. gentleman had referred. He was not a member of the Government at that time, nor had he even a seat in Parliament, but as he had approved of the policy carried out by his predecessor in office, Mr. Cayley, he was quite prepared to assume all the responsibility of having done so. That policy was the repeal of the differential duties which had been previously imposed on merchandise imported through the United States. It was well known that he incurred no little censure from his political friends at the time, for the course which he pursued, because they thought it was unwise to repeal those differential duties without obtaining some corresponding advantage for this country. With a view to obtain national advantages, all parties should unite cordially in support of the Ministry, but instead of this, the whole policy of certain parties has been to injure Canada, and to frustrate, if possible, the policy adopted by the Government towards other countries. Of course he was quite willing to assume all the responsibility of the measures, which the Government recommended, but he would also hold responsible to the country, as far as he could, the persons who endeavour to frustrate those measures. He regretted to see the course taken by some persons in Upper Canada who are actuated by the most selfish and paltry motives; a number of merchants in the small towns west

of Belleville, who have established commercial relations with houses in New York, who purchase their tea and sugar there, have taken the alarm lest the success of the Government policy should compel them to go to other markets; and have not only endeavoured by every opposition to defeat it, but have even intimated to the United States, by every means in their power, what measures to adopt to counteract that policy, and to injure Canada still more. They have said:--if you adopt this policy the United States will put an end to the bonding system. Well, let the United States adopt what policy they pleased, he was not afraid of them. (Hear, hear.) He believed that if the people of this country would adopt a Canadian policy, and carry it out, he was perfectly certain that the United States would be brought to terms. They may sneer at us through their newspapers, and laugh at and ridicule our efforts to get fair play and common justice from them, but he was not in the least degree afraid that we should succeed in getting from them all that we require, if we have only the courage to pursue steadily the policy which he proposed. It has been a common practice for Canadians--for Canadians have been the very worst enemies of reciprocal free trade, he did not hesitate to say so--to undervalue the efforts of their Government. He had taken no common interest in this question for the last four or five years, and had attentively watched the current of public opinion in the United States, and he could say with confidence that there had been more opposition to the establishment of reciprocal free trade from Canadians and Canadian newspapers than from any parties in the United States. There has been a systematic attempt made by them to induce the Americans to believe that we have not offered enough in exchange for reciprocity, and that the list of articles we have proposed to exchange is ridiculously small. Now, during the last few months, the city had been visited by a number of distinguished American strangers, and he had had the pleasure of conversing with, and as he thought of convincing some of them, that during the year 1851, we imported from the United States goods,--which he would be willing to admit duty free--to a far higher value than the exports, on which duty was paid, from Canada to the United States. That was the fact, notwithstanding all that had been said to the contrary. Of course, he did not refer, in this statement, to those goods which merely pass through the United States in bond, without paying duty; but he referred to those exports from Canada which are consumed in the United States, and on which duty is paid, such as lumber, coarse grains, various kinds of coarse articles, and live stock; and he did not care what gentlemen might say to the contrary, there is a settled opinion among the people of this country--without entering into the question whether the consumer pays the whole duty or whether a proportion is paid by the producer, the most ultra free trader must admit that it is an advantage to every country to obtain admission duty free, for its products into another country--well, he said that there was a settled opinion in Canada that it would be an advantage to get admission, duty free, into the market of the United States, for our coarse grains and lumber. Well, in endeavouring to obtain that which was so much desired, he thought some little attention should be paid to circumstances; it was idle to lay down general rules and try to apply them in every case. An effort must be made to arouse the attention of the American people more directly interested in this trade; for it is a matter of little consequence to the Americans in a national point of view, the number of persons actually engaged in the Canada trade being, after all, but a small section of the American people. Every thing that they require has been conceded to them, and there has been no inducement for them to concede anything to us in return, and the consequence is that sufficient interest cannot be excited in the United States to make it an object for them to consider the question at all. It has been under consideration by the Congress of the United States for the last four or five years; no adverse

opinion was ever expressed; but, in consequence of the want of interest felt, the only action ever taken was its passage through the House of Representatives by an unanimous vote. It fell through in the Senate, not because there was any reason to suppose that a majority of the Senate would be opposed to it; but simply because General Dix, who had the measure in charge, felt himself bound by a promise given to one of the Senators from Delaware, not to take up the question in his absence; and the Senator from Delaware did not return, and wrote to General Dix, requesting him not to take the measure up during the session of reciprocity; committees on Commerce have reported in its favour, and it has been recommended in the President's message; in fact, the only difficulty in the way is, that it does not excite a sufficient degree of interest. Well, he believed that the Parliament of the Province has the power to make them feel that it is for their interest to take it up. It was all very well to talk about provoking the United States by a retaliatory policy, but he happened to know this fact--that the proceedings of the Imperial Government with reference to the Fisheries on the coasts of British North America had had a most beneficial influence on the American mind. Every one recollected the state of excitement which was produced by the information that it was the intention of the English Government to protect the Fisheries. Members of Congress declared that there should be no negotiation while a fleet was on the coast, and there was a wonderful talk about what should be done and what should not be done--an American fleet was to be sent to the fishing grounds, and the English vessels would be compelled to go home in the shortest possible space of time; but mark the result; those vessels remained, and the American fishing craft were obliged to go home empty, although the seas were swarming with fish, and the result was, that public attention was called to the subject, and a most beneficial influence was being exercised on the American mind. According to the doctrine of the member for Montreal, those foreign fishermen should have been allowed to trespass on the rights of the colonists, to enter their streams and carry off their fish, without interference.⁶⁸

MR. YOUNG said that his remarks had no reference to the fisheries.⁶⁹

MR. INSP. GEN. HINCKS did not say that they did, but he wished to show that if the hon. gentleman were consistent in his views, he ought to make no difficulty about American fishermen coming to our shores for the purpose of carrying on their business. There is no doubt that the course which has been taken by the Americans, for several years past, in getting everything they desired from Great Britain, and from the Provinces, without conceding a single point in return, has attracted the attention of the Imperial Government, and that they have come to the determination not to permit the rights of British subjects to be invaded; and he could not understand how any person with British feelings, or with Canadian feelings would understand the true state of the canal regulations on this continent, and not be humiliated by a knowledge of the fact that no Canadian vessel can pass through an American canal, while ours are open throughout to American vessels.⁷⁰

MR. YOUNG.-- The permission would be of no use. Canadian vessels could not get into the American canals.⁷¹

MR. INSP. GEN. HINCKS begged the hon. member's pardon. He would refer to a case which had recently come to his notice. He alluded to the Grand River navigation between Brantford and Buffalo. The vessels employed in that trade are American, because they can go direct to New York without breaking bulk, whilst the Canadian vessels have been completely driven from the trade, because they are not permitted to enter the Erie Canal, and a transshipment at Buffalo is rendered necessary. So it would be with regard to the St. Lawrence and

Champlain Canal, which is a work of very great importance, and which he would be glad to see constructed; but he could not conceal from himself the fact, that if it were constructed on the Canadian side, there was no certainty that the communication with the Hudson would be completed by the Americans; and even if they did so the Canadian vessels would be excluded from it in the present state of the canal regulations. The American vessels engaged in the trade would be enabled to go direct to the city of New York, and the whole trade would, consequently, be in their hands, as the Canadian craft would be obliged to break bulk at Whitehall. Now, in adopting a policy which he deemed to be consistent with British and Canadian interests, he desired to meet the Americans on equal terms. He was willing to give them large advantages, but he was not willing to give them everything; nor was he prepared to admit as a principle that, in dealing with a country which has refused to make any concession, or to grant the reasonable demands of this country, we ought not to levy on the commerce of such a power, all that we can. He laid down the principle just in these words, because he wished it to be understood that he thought it desirable to levy on American vessels passing through the Welland Canal, all the toll that could be collected. He did not say, nor had he ever said, that he would adopt such a scale of tolls as would turn back the whole of the trade to Buffalo. He had said that he would endeavour to obtain all the tolls which could be collected; and that could only be determined by experience. The cost of carrying a barrel of flour is composed partly of tolls and partly of freight, and it is a delicate and difficult question to say how much should be toll, and how much should be freight. In discussing this question, hon. gentlemen should recollect that they have been too much in the habit of submitting to the guidance of interested parties. If they listened to the advice of Oswego millers, and reduced the amount of tolls whenever these gentlemen told them it was necessary to do so, then he would say that they took the very worst advice which could be given. The Parliament of Canada ought to be in a position to judge for itself, without being bound by the wishes of interested parties in any particular locality. On a simple commercial question of that nature, no wise Government, whether Clear Grit, Tory, or Radical, would impose a scale of tolls which would drive trade away altogether from Canadian waters, for it was impossible to suppose that they could have any other object in view than the general good of the country. The member for Montreal had entirely lost sight, in his argument, of one great feature in the commercial aspect of questions at the present day. Like the member for Lincoln he was in the habit of losing sight of everything but canals; but we live in a day when Rail Roads are playing a very important part in the work of transporting produce; and he thought it was not an unwise thing, therefore, to pay some little attention to the Rail Road interest. Two or three Rail Roads, the principal of which he believed to be the Ogdensburgh, have been constructed for the express purpose of stopping our communications with New York and the New England States; whilst we have three Canadian roads constructed for the express purpose of competing with them for the western trade. Now, what is the position of these Canadian roads? Every barrel of flour which passed over them pays a toll on the St. Lawrence canals over and above what the Ogdensburgh and Oswego routes pay. Then, what he maintained was, that the Canadian Parliament should levy such a toll on the American vessels passing through the Welland Canal as they would bear--he did not presume to lay down the exact rate; he said just what they would bear,--and then the Canadian communications,--the railroads, and the small canal which we have from the St. Lawrence to Lake Champlain--would be in a position to compete with the American Rail Roads and with the Erie Canals. That was what he conceived to be a sound Canadian policy, as it would advance Canadian interest in contradistinction to American interest. It was not from any feeling of hostility towards the Americans that he stood up there as its advocate, but solely

because he desired to obtain common justice from them, and because he wished to make them feel that they have something to gain from us; for it is one of the strongest and most distinguishing characteristics of the American people--and it was on that account that he thought[t] it the more necessary to recommend the adoption of this policy--that no American statesman could pretend to carry out any treaty or negotiation with another power, except he could show that he had got the best of the bargain. There are, of course, certain local interests in the United States opposed to reciprocal free trade, and these must be met, and they must be given to understand that if they surrender any thing, they will gain a corresponding advantage. If this could be done, and if an American statesman were placed in such a position as to tell his countrymen,--"It is true that we are giving something to Canada, but we are getting far more from them," then reciprocity might be obtained. He knew that some of the railroad and canal interests, felt very strongly on the subject of increasing the tolls on the Welland Canal. He knew that when it was rumoured some time since, that the Canadian Government intended to do something of this kind, they became considerably alarmed, and said that such a measure would be utter ruin to them; his answer to the people of Oswego, at that time was--"Do not come to us to obtain redress, but go to your own Government; and by an exercise of the influence which you must possess, induce them to do what is just, and right, and liberal."⁷²

MR. BROWN.--Did they not do so?⁷³

MR. INSP. GEN. HINCKS had not said that they did not; but what he would say was, that they would be ten times more stimulated to the exertion of that influence by the adoption of such a policy by the Canadian Government, than if they were allowed to remain perfectly at ease, in the full enjoyment of all they could receive from this country. In discussing another branch of the subject, the member for Montreal had made an important admission. He said, put parties on an equal footing, and he had no hesitation in saying that the Montreal merchant could sell as cheaply as the New York merchant. Now, one of the great grounds of the oppo[sition] ... the policy of the Government was, that it would compel the people of Upper Canada to pay more than they now do for goods imported from abroad. Now, the member for Montreal had given the answer to one of the first questions suggested by the ministerial scheme: Can goods be imported as cheaply by way of Montreal as through the United States? The hon. gentleman admitted that they could, and he thought that that admission was borne out by the fact.⁷⁴

MR. YOUNG would explain. What he had said was, that the Montreal merchant could import as cheaply as the New York merchant could, if the St. Lawrence was thrown open.⁷⁵

MR. INSP. GEN. HINCKS said it amounted to the same thing. It was an admission that the route by the St. Lawrence, is as cheap as that through the United States; but it is objected that, in consequence of the river between Montreal and Quebec being closed to American vessels, the Montreal merchant would be enabled to compete successfully, while it was alleged by others, that he will pocket the difference between the duties by the two routes, and that the consumer will be compelled to pay the difference. Well, his answer to that was, that the receipts of the Montreal merchant would be regulated by the legitimate profits of the trade. Take the article of sugar, for instance; if the cost of transportation is as low by the St. Lawrence as by the other route, it is quite idle to say that the importer will be able to obtain any larger profits than those to which he is legitimately entitled; because, if he did, other persons would enter into the trade, and the competition would at

once bring down his profits. So it would be with the trade in other articles. The great question was this--and he put it on that ground to the country--whether reciprocal free trade would confer any essential benefit on the country? The hon. member for Montreal, in making his Ministerial explanation, had the candour to admit that he did not value reciprocity at all, that he did not think that it would be of any great advantage to the country; that was exactly the point on which they differed. He looked upon it as being important in two lights; he looked upon it as important, in a political point of view, that the people of this country should not feel that they are in a worse position with regard to the sale of their produce than the farmers of the United States. There is no doubt that the New England and Atlantic States, offer very considerable markets for Canadian produce, whether flour, grain, or cattle. The more railway communication is extended, and he hoped, in a very short time, to see Railroads brought within a reasonable distance of all the farmers in Upper and Lower Canada, the more desirable it will be that they should have free access to these markets; and he did not wish them to find out that they were in a worse position, so far as regarded the prices of grain and cattle, than the farmers of the neighbouring States. Admit the whole proposition of the member for Montreal, that the consumer pays the whole of the import duty on the American frontier, then all the result is, that the growers of grain and the producers of cattle and lumber, in the United States, receive a price, in proportion to the duty, above what they can obtain in Canada, and that they enjoy advantages there, which similar classes do not receive here.⁷⁶

MR. D. CHRISTIE (Wentworth).--How do you propose to make it better?⁷⁷

MR. INSP. GEN. HINCKS.--That is a matter of opinion, based on conviction. He thought he possessed as good means of forming a sound judgment as the member for Wentworth; and he felt convinced that the consequence of adopting the policy he proposed would be the free admission of our products into the United States. (Hear.) When he said that, he would add that he had given as strong proof of the sincerity of his opinions as any public man could give, in staking his political reputation on this line of policy. The member for Montreal had as usual spoken of the barrel of flour; the hon. gentleman seldom went beyond that article; all the coarse grain, cattle, and horses are thrown aside, as of no importance; but he was prepared to meet the hon. gentleman on his own ground; and he would say that in arguing this question it was not fair to take the export price in New York as the standard by which to judge. He believed that it would be to the advantage of the Canadian miller to enter into competition for the home trade, the retail trade of the American cities; and he would be quite satisfied to take the opinion of the member for South York on that point. He would ask the hon. gentleman if it would not be to their advantage?⁷⁸

MR. GAMBLE.--Most unquestionably it would.⁷⁹

MR. INSP. GEN. HINCKS was satisfied of that. There was not a Canadian miller throughout the country who would not say so. There is an immense consumption in the eastern cities of the finer kinds of flour, for which any reasonable price would be paid by the persons who make use of it in expensive pastry, and from the whole of that trade the Canadian is cut off, in consequence of his wheat and flour being in bond. The consequence is, that the immense facilities which are afforded in Canada of making flour of such quality as to compete with the best American, are almost useless, and we are always referred to the mere export price, which is lower than the retail price.⁸⁰

MR. YOUNG wished to correct the Inspector General. He had never stated that reciprocity was of no value, and had never sneered at it; but he conceived that there was a higher price to strive for; he knew that the tolls on the Erie

Canal amounted to £750,000 a year; whilst the duty on all our exports would scarcely come to £100,000.⁸¹

MR. INSP. GEN. HINCKS thought he could scarcely understand the hon. gentleman, for he had heard him express the opinion on several occasions that reciprocity was not worth contending for; and that "the best plan was to let the Americans take their course, and that we woud [sic] take ours." Then, if he established to the satisfaction of the hon. gentleman that it is desirable to obtain free admission into the American markets, what reason was there to expect from the past policy of the Americans that they would grant reciprocity without some effort being made to obtain it by the people of this country. If the St. Lawrence is thrown open to the Americans, if our canals are placed at their disposal, and if we construct another highway to approach their great eastern city, and then put it in their power to throw the whole trade into American vessels, by persisting in the exclusion of Canadian vessels from their canals, what reason is there to suppose that they will legislate so as to please us. The question is not large enough for them to legislate upon as a nation unless it becomes for the interest of some section of their people to urge it. Now, he had had occasion to point out the inconsistencies of gentlemen who set themselves up as being ardent free-traders; he meant to say, gentlemen who entertained free trade opinions; because he would like to ask any one whether he ever knew free trade to be consistently carried out? Even in England it has not been carried to its legitimate extent⁸².

Loud cries of hear, hear from the protectionists⁸³.

MR. INSP. GEN. HINCKS [continued:] In one essential article, corn, he would admit that free trade existed, but differential duties existed on other articles under Sir Robert Peel's and under Lord John Russell's Governments. They were all inconsistent, and the member for Montreal was also inconsistent when he laid down general principles, and yet proposed the admission of raw materials duty free.⁸⁴

MR. YOUNG.--You advocate it yourself.⁸⁵

MR. INSP. GEN. HINCKS--well, gentlemen were welcome to show whatever inconsistency they pleased in his opinions⁸⁶, but his consistency or inconsistency was not the question for consideration⁸⁷, but rather, what was for the good of the country.⁸⁸ He had understood the member for Montreal to lay down certain general principles on free trade, the basis of which was, that there should be no differential duties; and he understood him, then, to turn round, and propose to place one rate of duty on wool, and another rate on woollen cloth; and he had pointed this out, for the purpose of showing that the member for Montreal was inconsistent with himself, when he objected to the Government scheme, and laid down his own proposition. What was the object of the hon. gentleman in proposing that the duty on the raw material should be lower than on the manufactured article, if it were not to encourage the domestic manufacturer? It was a policy that he (Mr. H.) had ever advocated, and of which he was still in favour; and he could show that it was at his suggestion that the Governor had been empowered to reduce on certain unenumerated articles, by issuing an order in council, from $12\frac{1}{2}$ to $2\frac{1}{2}$ per cent.; the object was to enable manufacturers who introduced a new manufacture into the Province, to make application for the reduction of the import duty on the raw material, on showing that he was likely to compete successfully with the foreign manufacturer. But while every person must admit that this is calculated to confer a benefit on the Province, he must also admit that it is inconsistent with free trade principles. He might go into Upper Canada, and use exactly the same arguments which have been used on the other side; he might say to the Upper Canadian farmer, your wool

will have to compete with that of the foreign producer, at a mere nominal duty of $2\frac{1}{2}$ per cent., and you will have to pay the difference between that and $12\frac{1}{2}$ per cent., as a protection to the domestic manufacturer. But to revert to the question of reciprocity--what he contended for was that it was of the greatest importance ... if the free trade policy of the member for Montreal was adopted, no interest in the United States would be of sufficient importance to gain it for us. The object was, to secure a strong interest in the New England and the Western States, and in the railroad interest of New England. They should be induced to feel that it was for their interest that reciprocity should be granted. Admitting that every deviation from strict free trade policy was a sacrifice for important interests, he would ask, what was the great sacrifice to be made by the consumers? He had shown, on a previous occasion, that on the great article of import, sugar must, under any circumstances become cheaper, as it is the intention of the Government to reduce the duty, not only on that coming into this country by the St. Lawrence, but also on that imported through the United States; there is, consequently, great reason to believe that the consumer will gain the whole, or the larger part of the reduction on the imports by the St. Lawrence. In addition to that, there will be a market opened at Halifax,--a great entrepot for Upper Canada flour, so that vessels which go down there for sugar need not go in ballast, but may have a paying cargo both ways. The consumer will have to pay less, not more, for his sugar and tea. Another proposition, which was lost sight of in considering the Government scheme, was the reduction in the excise duty, and the surrender of the shop licenses to the municipalities. This will be considered a very great boon in Upper Canada; and he had no doubt that, on the whole, the measure would be looked upon as extremely satisfactory, as the differential duties in favour of the St. Lawrence would be a mere bagatelle.⁸⁹

MR. RIDOUT asked whether this policy was to be brought about this session.⁹⁰

MR. INSP. GEN. HINCKS said, yes.⁹¹

MR. PAPINEAU said the hon. Inspector General had had the merit of proposing the abolition of restrictions on the American trade, but he was now the first to endeavour to change his own policy, and yet it had been most advantageous. Never did any trade increase so rapidly as that between Canada and the United States, which now reaches forty per cent. of the whole business. And this trade was of the utmost importance--far greater than all the rest, since our farmers disposed of their produce directly, and the returns were at once distributed among them. Then why the change? Simply because the Inspector General had been foiled in some of his negotiations. Yet the Americans had never shown, according to the Inspector General, any disposition to refuse this reciprocity and they had therefore given Canada no subject of complaint. The new plan, however, enabled the Inspector General to keep up his high taxes. We could never expect to compete in England with those whose climate and proximity enabled them to enter the British market on better terms than ourselves; but in the United States there were millions of consumers to be reached at very little expense. The Inspector General, however, had pledged his credit. Now, the day was coming when the party most favourable to low taxation and free trade in the United States, was about to have power. They would have it next month, and it was just now that the Inspector General staked his reputation upon the fact of a change of policy. It required no great science of prophecy to see that coming, and if anything could prevent it, it would be the miserable policy now advocated. As to the American waters, we had the same privileges there as they had on Canadian waters. The only exception he made was at the Welland Canal, where the American trade was indispensable to us. Below St. Regis, where Canada had the two shores of the river they were stopped. But yet on the Ogdensburgh Road, on the St. Vincent

Road, they gave the same advantages to Canadians that they had themselves. The hon. member, in his zeal for his new policy, called the merchants who condemn it, selfish. There was, however, at the present moment, an illustration of the fact that free trade could not do harm to any place. It might at first appear that if there were no mode of shipping lumber at Quebec, it would greatly increase the trade of Quebec, but since the period when timber had been sold to the United States, persons were so sure of a market in one place or other, that a greater quantity than ever was brought even to Quebec, where the producers were no longer in the hands of one set of merchants, were exported to the United States. The Champlain and St. Lawrence Canal would still further increase this trade, and benefit Montreal and New York alike, even if it built up a new city at Caughnawaga. But the Inspector General taunted the merchants of Upper Canada and the newspapers of Upper Canada with indirectly showing the United States, who, of course, knew nothing about it themselves, how they could injure the Canadian trade. This was childish. Was it possible to stop free discussion on any subject? Would not the same ideas be evolved in the United States as were evolved here? As to the hon. member's comparison of canals and railways, it was well known that on all the railways the world yet knew, competition was still kept up with the smallest kind of canal boats; and was it possible that there could be any comparison between railroads and our navigation, the most considerable in the world. Railways could never compete with this--nor balloons either, and it showed the want of any good argument, when such a one was resorted to. Mr. Papineau then went into some explanations, to show the great probability that if the St. Lawrence and Champlain Canal was made, the Northern Canal would be enlarged. He concluded by a declaration of his desire to remain as we were, rather than to make a change, which must be had because it was a change, since no maxim could be better established than that all commercial changes should be avoided.⁹²

MR. COM. PUB. WORKS CHABOT addressed the House in favour of the new policy.⁹³

MR. GAMBLE congratulated the House on the first step being taken towards a sound policy of protection. He also congratulated the Inspector General on two most important admissions--first that our farmers were not in an equally good position with those of the United States, and second, that their inequality was caused by want of protection. He knew not how far the Government was prepared to go; but he could only give his assent to their course so far as it went. A retaliatory policy, however, differed entirely from a protective policy as to its object. For his own part he had long given up all hopes of obtaining this reciprocity, for he believed the Americans could not grant it, without overturning their entire system; and what after all was this reciprocity? It was an attempt on our part to reach markets without expense to ourselves, by means of roads which they had built up for themselves. Besides, the Americans believed this country must one day or other fall into the Union, why then should they at once give for a thing, what was the greatest inducement for us to join them. This policy, however, is contrary to the interests of the commercial classes of Canada West, and he saw no advantages in making this sacrifice to build up the city of Montreal. If the policy was persevered in, there would be an outcry against it from one end of Canada West to the other. But he disagreed from it on national grounds. It was admitted that the Canadian fishermen--the agriculturists--the commercial men of Montreal--were all inferior in position to the same classes in the United States. Then why add to the same side of the question so large a class as the commercial interests of Upper Canada. Besides, it would not have the effect. Buffalo was already in ecstasies at the hearing of it, and already counted on the enlargement of the Welland Canal. He now proposed to move an amendment, to the effect that it was advisable to impose duties for the

protection of home manufactures. The object of this was to completely change the policy of the country; carrying out the protection of our own interests as far as it was possible to do so--not to force any other country, but to promote our own welfare. The encouragement of Canadian industry never had been a primary object with the Government. Formerly, the differential duties were so levied as to give great Britain an advantage as well against other colonies, as against the United States. Some changes were made, but down to the present day the interests of Great Britain were thought of far more than that of Canada. He then instanced several articles, as tobacco, sugar, &c., on which a judicious system of duties would allow of manufacturing to be carried on in Canada. These things remained as they were, in order to keep us in a position of dependence on British shipowners and British manufacturers. He then read some extracts from the work of a Mr. Joshua Grey, in 1750, who recommended that no manufactures should be allowed to be started in the colonies. The same thing, he said, was to be observed now, and in support of this view he read a despatch of Lord Grey in opposition to the increase of duties on British goods imported into Canada. The tenacity of purpose which the British people showed on this point was seen throughout their literature. Warburton in his Travels in the United States advocated it, and he read an extract from that work, as well as a speech from Mr. Robinson on the Methuen treaty. We see the fruits of this policy to this day, every one who travelled saw the difference between the United States and Canada; and the reason was, that one country built up American interests, while ours built up British interests. Take up the article of tea, and ask what the interests of our country required--that was the only question. Here he read an extract from Mr. Justice Sullivan's tract upon the trade of the country....country from its settlement, to show that all the profits of the trade of Canada went to England instead of staying in the country. The same policy, Mr. Gamble went on to say, was still pursued in bringing out Mr. Jackson. But this system he desired to change, and therefore proposed his amendment.⁹⁴

MR. BROWN, before the vote was put, moved that the Committee do now rise and report progress.⁹⁵

MR. INSP. GEN. HINCKS moved in amendment that the Committee do rise.⁹⁶

MESSRS. BROWN and BOULTON, however, protested against this mode of shirking debate, and eventually the motion to rise and report progress was carried.⁹⁷

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Lyon reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, on Thursday next, and be then the first Order of the day.

Ordered, That the Orders of the day be postponed until To-morrow.

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*Then, on motion of Mr. Malloch, seconded by Mr. Seymour,
The House adjourned.*

[NOTICE OF MOTION RE: MAGOG RAILWAY.]

MR. TERRILL [donna avis que] demain [il ferait motion d'un] Bill pour autoriser la construction d'un chemin de fer qui sera appelé le chemin de fer de Magog, depuis un point vis-à-vis Montréal dans la direction générale de Chambly, Ste. Marie, St. Cézaire, Granby, Waterloo et le village Frost, à la décharge du Lac Memphremagog, et de là jusqu'à la ligne provinciale dans le township de Stanstead pour s'y relier avec le chemin de fer Passumpsit et tel autre chemin du Vermont que l'on désirera y relier.⁹⁸

[NOTICE OF MOTION RE: AN ACT TO AMEND THE ACT TO INCORPORATE THE CITY OF MONTREAL.]

MR. JOBIN [donna avis que] mercredi prochain [il ferait motion d'un] Bill intitulé: "Acte pour amender un certain autre acte intitulé: 'Acte pour amender et consolider les dispositions de l'ordonnance pour incorporer la cité et ville de Montréal, et d'une certaine ordonnance et de certains actes amendant cette ordonnance, et pour investir de certains autres pouvoirs la corporation de la cité de Montréal,'" passé en la 14e et 15e Vic., chap. 128.⁹⁹

[NOTICE OF MOTION RE: ADJOURNMENT.]

MR. TURCOTTE [donna avis que] demain [il] proposera de résoudre que lorsque cette chambre s'ajournera, elle soit et demeure ajournée jusqu'au premier décembre prochain.¹⁰⁰

[NOTICE OF MOTION RE: PETITION OF A. MCNAUGHTON.]

MR. WHITE [gave notice that he would move] to dispense with the 64th and 66th Rules in respect of [the] Petition of A. McNaughton, Esquire, and others.¹⁰¹

[NOTICE OF QUESTION RE: ALLOCATIONS TO THE OFFICES OF COMMISSIONER OF CROWN LANDS AND COMMISSIONER OF PUBLIC WORKS.]

MR. BOULTON [donna avis que] lundi prochain [il] demandera à l'administration:

1. Si le commissaire actuel des terres de la couronne en acceptant la charge le 20 septembre 1851, l'a acceptée privément ou officiellement, et si c'est verbalement ou par écrit?

2. Si durant l'année 1851, il y a eu en aucun temps plus d'un commissaire des terres de la couronne pour la province du Canada, et si oui, en vertu de quelle autorité?

3. En vertu de quelle autorité l'honorable James Hervey Price, ci-devant commissaire des terres de la couronne, a reçu son salaire jusqu'au 27 octobre 1851, si le commissaire actuel des terres de la couronne a accepté sa charge le 20 septembre auparavant?

4. Quel jour l'honorable James Hervey Price, a offert sa résignation [sic] comme commissaire des terres de la couronne, et quel jour la dite résignation [sic] a-t-elle été acceptée par le gouverneur général?

5. L'honorable M. Chabot a-t-il reçu quelque allocation pour frais de voyage, pour aller du Bas-Canada à Toronto, lorsqu'il a accepté la charge de commissaire des travaux publics, ou l'honorable M. Bourret a-t-il reçu la dite allocation sous des circonstances semblables; et si oui, à quelle somme la dite allocation ou allocations se sont-elles montées?

6. En vertu de quelle loi ou acte de la législature le présent commissaire des terres de la couronne a-t-il reçu en 1852 son allocation de £100?¹⁰²

FOOTNOTES: 28 OCTOBER 1852.

1. GLOBE, 9 November 1852.
2. IBID.
3. GLOBE, 9 November 1852. The ellipsis represents illegible words.
4. GLOBE, 9 November 1852.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 30 October 1852, MONTREAL GAZETTE, 1 November 1852, QUEBEC GAZETTE, 1 November 1852, PILOT, 2 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, NORTH AMERICAN SEMI-WEEKLY, 16 November 1852, and NORTH AMERICAN WEEKLY, 18 November 1852. The debate was also reported by GLOBE, 9 November 1852. The debate was noted by JOURNAL DE QUEBEC, 30 October 1852. A commentary appeared in BATHURST COURIER, 12 November 1852.
15. GLOBE, 9 November 1852. The ellipsis represents illegible words.
16. QUEBEC GAZETTE, 1 November 1852.
17. GLOBE, 9 November 1852.
18. QUEBEC GAZETTE, 1 November 1852.
19. GLOBE, 9 November 1852.
20. QUEBEC GAZETTE, 1 November 1852.
21. GLOBE, 9 November 1852.
22. QUEBEC GAZETTE, 1 November 1852.
23. GLOBE, 9 November 1852.
24. QUEBEC GAZETTE, 1 November 1852.
25. GLOBE, 9 November 1852.
26. QUEBEC GAZETTE, 1 November 1852.
27. GLOBE, 9 November 1852.
28. QUEBEC GAZETTE, 1 November 1852.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. GLOBE, 9 November 1852.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. QUEBEC GAZETTE, 1 November 1852.
45. GLOBE, 9 November 1852.
46. QUEBEC GAZETTE, 1 November 1852.
47. GLOBE, 9 November 1852.

48. QUEBEC GAZETTE, 1 November 1852.
49. IBID.
50. GLOBE, 9 November 1852.
51. QUEBEC GAZETTE, 1 November 1852.
52. IBID.
53. IBID.
54. GLOBE, 9 November 1852.
55. IBID.
56. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 30 October 1852, MONTREAL GAZETTE, 1 November 1852, QUEBEC GAZETTE, 1 November 1852, PILOT, 2 November 1852, HAMILTON SPECTATOR DAILY, 4, 5 November 1852, and HAMILTON SPECTATOR WEEKLY, 11 November 1852; NORTH AMERICAN SEMI-WEEKLY, 19 November 1852, and NORTH AMERICAN WEEKLY, 25 November 1852. The debate was also reported by: GLOBE, 9 November 1852; and EXAMINER, 10 November 1852 (which also contained a commentary). The debate was noted by JOURNAL DE QUEBEC, 30 October 1852.
57. GLOBE, 9 November 1852.
58. QUEBEC GAZETTE, 1 November 1852.
59. GLOBE, 9 November 1852.
60. QUEBEC GAZETTE, 1 November 1852.
61. GLOBE, 9 November 1852.
62. QUEBEC GAZETTE, 1 November 1852.
63. GLOBE, 9 November 1852.
64. QUEBEC GAZETTE, 1 November 1852.
65. GLOBE, 9 November 1852. The ellipses represent illegible words.
66. GLOBE, 9 November 1852.
67. QUEBEC GAZETTE, 1 November 1852.
68. GLOBE, 9 November 1852.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. GLOBE, 9 November 1852. The ellipsis represents illegible words.
75. GLOBE, 9 November 1852.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. QUEBEC GAZETTE, 1 November 1852.
87. GLOBE, 9 November 1852.
88. QUEBEC GAZETTE, 1 November 1852.
89. GLOBE, 9 November 1852. The ellipsis represents illegible words.
90. GLOBE, 9 November 1852.
91. IBID.
92. IBID.
93. IBID.
94. GLOBE, 9 November 1852. The ellipsis represents illegible words.
95. GLOBE, 9 November 1852.

- 96. IBID.
- 97. IBID.
- 98. LE PAYS, 3 November 1852.
- 99. IBID.
- 100. IBID.
- 101. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
- 102. LE PAYS, 3 November 1852.

FRIDAY, 29 OCTOBER 1852.

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ON motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin, Resolved, That this House will, at the rising of the House this day, adjourn until To-morrow at the hour of Ten in the forenoon.

*Ordered, That the Orders of the day be postponed until To-morrow.*¹

La mort de M. Terrill² avait causé un[e] sensation profonde dans l'enceinte parlementaire, et comme trois des employés de la chambre l'avaient précédée [*sic*] ou suivie [*sic*], bien que la maladie fût presque nulle, comparativement à la population, cela n'avait pas peu contribué à augmenter l'appréhension.³

Beaucoup de membres voulaient ajourner pour permettre au gouvernement de faire adapter à l'édifice parlementaire un système efficace de ventilation.⁴

D'autres [membres] voulaient aller rassurer leurs familles qui les croyaient incessamment au milieu d'un foyer d'épidémie.⁵

Le gouvernement n'avait pas objection à l'ajournement, mais il aurait voulu le voir venir de l'opposition, afin que celle-ci ne pût l'accuser plus tard d'avoir abandonné la barque de l'Etat, sous l'influence d'une panique sans cause.⁶

De son côté, l'opposition ne voulait pas faire l'oeuvre du gouvernement et tenait à avoir ses coudées franches.⁷

De sorte que la motion de M. CHRISTIE de Wentworth, pour un ajournement dont il ne spécifiait pas l'étendue, fut repoussée par les deux côtés de la chambre.⁸

Les députés résidant à Québec, votèrent pour l'ajournement, parce qu'ils ne pouvaient décemment s'y opposer et empêcher leurs collègues d'aller rejoindre leurs familles.⁹

Le gouvernement, non plus, ne voulait un ajournement jusqu'après Noël, que dans une dizaine de jours.¹⁰

La motion de M. Christie, une fois rejetée, M. INSP. GEN. HINCKS voulut ajourner la chambre pour une couple d'heures, et procéder le même jour à la législation.¹¹

MR. CAUCHON s'y opposa en disant que beaucoup des membres qui voteraient pour ou contre la mesure que l'inspecteur-général insistait à faire passer, étaient absents, et étaient allés rejoindre leurs familles sous l'impression qu'un ajournement de plusieurs jours aurait immédiatement lieu, et que, conséquemment il ne serait pas juste d'insister sur la passation de cette mesure en leur absence; que quant à lui, si on insistait dans de pareilles circonstances, il croirait de son devoir de résister et de mettre par une discussion prolongée, un obstacle invincible à la solution de la question le même soir, lors surtout que le samedi était le jour de repos habituel, et que d'ailleurs les événements qui venaient de se passer commandaient un repos au moins partiel.¹²

MR. INSP. GEN. HINCKS lui répondit ... en lui reprochant d'arrêter par tous les moyens possibles une mesure au succès de laquelle il avait travaillé autant que qui que ce soit.¹³

MR. CAUCHON ...: "Si j'ai changé de mode d'actions, c'est votre faute et non la mienne.

"Vous avez déclaré solennellement l'autre jour que M. Jackson vous ayant délivré de vos engagements envers lui, il vous était maintenant parfaitement

Indifférent que le bill de M. Cartier passât dans quinze jours, un mois, ou même six mois!

"Or, je ne vous demande pas même un aussi long retard. Je ne vous ai pas dit que je voterais contre la troisième lecture de votre bill chéri; ce bill, d'après votre propre aveu, ne pressant pas, d'ailleurs aucune action n'étant possible en vertu de cette même mesure, si elle devient loi, avant le printemps prochain; seulement je désire, avant de donner à votre bill sa dernière sanction, que la chambre dise si elle est pour ou contre mes résolutions, et si elle est disposée à rendre justice au Bas-Canada.

"Quand nous votions de l'argent pour les canaux, et que des députés du Bas-Canada disaient: 'Tout pour le Haut-Canada, rien pour le Bas-Canada,' on leur répondait: 'les canaux vont de nous à vous, et puis soyez donc heureux que votre colossale navigation soit si parfaite, et n'ait pas besoin d'améliorations!'

"Mais cette raison ne vaut plus pour les chemins de fer; ceux-ci sont utiles partout et plus particulièrement au Bas-Canada qui est privé de toute communication avec le reste du monde, durant au moins six mois de l'année, tandis qu'une bonne partie du Haut-Canada jouit des avantages de la navigation durant les douze mois entiers de l'année."¹⁴

A feeling of deep solemnity pervaded the House as MR. ATTORNEY GENERAL DRUMMOND in a few appropriate and touching sentences referred to the melancholy death of one of their number, and pronounced a just eulogy on the character of the deceased.¹⁵

MR. BOULTON seemed conscience-smitten at the recollection of his conduct of the previous evening, and begged with tears in his eyes that Dr. Rolph would forgive him for the attack he had made, remarking that if Dr. Rolph had been the victim instead of Mr. Terrill, he should never have forgiven himself for what he had said. He blamed himself for being led away by excitement, and expressed deep sorrow for having sought to wound Dr. Rolph's feelings.¹⁶

MR. COM. CR. LANDS ROLPH ... accepted the apology, remarking that he himself had probably been the cause of much that was disagreeable on the previous night, for his observations on a former occasion had no doubt irritated and provoked the hon. member for Toronto, and he also felt bound to make an apology to the hon. member.¹⁷

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On motion of Mr. Short, seconded by the Honorable Mr. Attorney General Drummond,

Resolved, That out of respect for the memory of the late Hazard Bailey Terrill, Esquire, a Member of this House, this House do now adjourn.

And the House accordingly adjourned.

APPENDIX: 29 OCTOBER 1852.

[NOTICE OF MOTION RE: ADJOURNMENT OF HOUSE TILL MID-FEBRUARY.]

COL. PRINCE, qui était absent depuis près de deux mois, en arrivant avant-hier, donna avis que le jour suivant il proposerait de résoudre que la chambre s'ajournât le dix, et cela pour jusqu'au milieu de février.¹⁸

FOOTNOTES: 29 OCTOBER 1852.

1. Mr. Terrill's death was reported by the following papers in identical accounts: BRITISH WHIG, 30 October 1852, HAMILTON SPECTATOR WEEKLY, 4 November 1852, NORTH AMERICAN WEEKLY, 4 November 1852, and BATHURST COURIER, 5 November 1852. The following papers reported his death in partially identical accounts: JOURNAL DE QUEBEC, 2 November 1852 (which also contained a commentary), and LE PAYS, 3 November 1852 (which also contained a commentary). Commentaries appeared in: MORNING CHRONICLE, 30 October 1852; NORTH AMERICAN WEEKLY, 4 November 1852; and HAMILTON SPECTATOR WEEKLY, 4 November 1852.
2. NORTH AMERICAN WEEKLY, 4 November 1852, commented that Mr. Terrill " ... was in the House on Thursday night until after 8 o'clock and remarked to Mr. Smith of Durham that as there was no probability of a vote being come to on the question under debate, and not feeling very well, he believed he should go home. Before morning he was dead. Mr. Terrill was [the] member for Stanstead, and as robust and hearty in appearance as any man in the House. He was a person of good education and sound judgment, and very highly esteemed by those who knew him. He seldom spoke except to give information or explain a disputed point, and considering the nuisances with which the House is afflicted in the shape of three or four interminable talkers who seem determined to let no subject escape without the usual quantum of jaw, the loss of such a member as Mr. Terrill is a real calamity."
3. JOURNAL DE QUEBEC, 2 November 1852. HAMILTON SPECTATOR WEEKLY, 4 November 1852, commented: "Now ... that the grim monster [cholera] has actually made his appearance in the Legislative halls, it is hardly to be expected that his warning will be disregarded; and we should not be surprised to learn that the Session is to be brought to an end at once." Readers were warned "against placing any dependence on the rumors ... afloat....During the past week no less than three public men have been reported deceased, viz: the Hons. John Young, Francis Hincks, and Sir Allan McNab--although all these gentlemen are in the enjoyment of their usual health."
4. JOURNAL DE QUEBEC, 2 November 1852. MORNING CHRONICLE, 30 October 1852, commented that the House of Assembly " ... absurdly proposed to adjourn the House the excuse being that the bad ventilation and mode of lighting of the Assembly Room had accelerated the deaths of Mr. Terrill and [the messenger] Mr. Olivier. It is possible that going out of a highly heated and close room into a cold, foggy atmosphere, has some effect upon the human constitution but a remedy is obtainable by throwing open the windows, or by putting less ... [fuel] into the furnace; and we hope this will be the remedy, and not a silly adjournment resulting from a cowardly fear of death."
5. JOURNAL DE QUEBEC, 2 November 1852.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. NORTH AMERICAN WEEKLY, 4 November 1852.
16. IBID.

17. IBID. The reporter also commented that "thus ended a series of vile attacks on the one side and caustic reply on the other, which interrupted the business of the country and disgraced the Legislature. It is to be hoped that the regret so frankly expressed was heartfelt, and that scenes like those I have referred to will not be re-enacted."
18. JOURNAL DE QUEBEC, 4 November 1852.

SATURDAY, 30 OCTOBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron,--The Petition of the Reverend David Shanks and others, of Buckingham and vicinity.

By Mr. Stuart,--The Petition of Thomas A. Young, of the City of Quebec, Esquire; and the Petition of the Right Reverend the Lord Bishop of Quebec, and others, of the City of Quebec.

By Mr. Seymour,--The Petition of the Municipality of the Township of Camden East; and the Petition of the Municipality of the Township of Ernesttown.

By Mr. Solicitor General Chauveau,--The Petition of the Honorable N.F. Belleau, Mayor, and others, of the City of Quebec.

By Mr. Rose,--The Petition of Daniel Rose and others, of the Township of Williamsburgh, County of Dundas; and the Petition of Jacob Brouse and others, of Matilda.

By Sir Allan N. MacNab,--The Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Mayor, Aldermen, and Commonalty of the City of Toronto; praying for the passing of an Act to authorize the division of St. Patrick's Ward in the said City, into two Wards.

Of Firmin Perrin, of the Parish of Ste. Geneviève de Berthier, District of Montreal, Esquire; representing that, as a Judgment Creditor of Wolfred Nelson, Esquire, he filed a claim before the Commissioners appointed under the Rebellion Losses Act 12 Vic. cap. 58, and that a part only of his said claim was allowed by the said Commissioners, and praying relief in the premises.

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Of the Municipality of the United Townships of Dummer and Burleigh; praying for the passing of an Act to prohibit the manufacture, importation, and sale of intoxicating liquors.

Of the Town Council of the Town of Peterborough; and of George B. Hall, Esquire, and others, of the Town of Peterborough; praying that neither of the Petitions for authority to construct a Railroad from the said Town to Cobourg or to Port Hope only, may be granted; but that an Act may be passed to incorporate a Company for the construction of a Railroad from the said Town of Peterborough to the head of Rice Lake, and that the parties petitioning may be authorized to construct branches therefrom to the Towns of Cobourg and Port Hope aforesaid.

Of William Lang, Chairman, and George Read, Clerk, on behalf of a Public Meeting of the Inhabitants of the Township of Otonabec; praying for the passing of an Act to incorporate a Company for the construction of a Railroad from Cobourg to Peterborough.

Of Matthew H. Warren, of Indian Island, on the coast of Labrador; praying that the produce of that part of Labrador lying east of Canada, may be admitted into this Province free of duty.

Of the Reverend John McKennon and others, the Congregation of Chalmers' Church, Sydenham, Owen's Sound; of George Glover and others, of Fergus and its vicinity; of the Reverend John M. Rogers and others, of the Town of Peterborough; of the Reverend William Troup and others, of English River and vicinity; of Murdoch McMillan and others, of Kenyon and vicinity; of the Reverend Richard Lonsdell and others, of Laprairie; of the Reverend Lachlan McPherson and others, Presbyterians of Lobo; of William Wright and others, of the Township of Egremont; of Thomas O. Adkins and others, of the Township of Arthur; and of Richard Arthur and others, of the Township of Binbrook; praying the adoption of measures for the

abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Canals and Railways.

Of Etienne Migneault and others, of the Town of St. Hyacinthe; praying for certain alterations in the limits of the said Town.

Of the Municipal Council of the County of Waterloo; praying for the passing of an Act to repeal the 8th Section of the Act 14 & 15 Vic. cap. 5, to make certain alterations in the Territorial Divisions of Upper Canada.

Of the Reverend E. Blyth and others, of the Seignior and County of Beauharnois; praying for the establishment of a Registry Office at the Village of Ste. Martine, and also the sittings of the Municipality of the said County.

Of William Henderson and others, of Ste. Martine and other Parishes, in the County of Beauharnois; praying that the Bill to change the place of sitting of the Circuit Court in the said County may not pass into Law.

MR. LANGTON¹ presented a petition from a municipality of the townships of Dummer and Burleigh in the County of Peterborough².

MR. ROBINSON called for the reading of the petition.³

SIR A. MACNAB said there was nothing could justify the receiving of such a document, it was an insult to her Majesty, and to the representatives of the people of the Province.⁴

MR. MALLOCH moved that the petition be not now received.⁵

MR. LANGTON said, after hearing its contents he confessed he was wrong in presenting it. He had not read it, and his attention was first called to the subject by the hon. member for Lincoln. If the petition was irregular, he thought the Speaker ought not to have allowed it to be received. If anything was irregular, he conceived it was the conduct of the member for Simcoe, who called for the reading of the petition. There were several expressions in it, which were beneath the dignity of the House, and he repeated he would not have presented it, had he been aware of its contents; but at the same time, he did not consider it unconstitutional to express sentiments which a member might use in his place.⁶

MR. ROBINSON said, that being aware the petition contained improper language, he moved that it be read.⁷

MR. BROWN said the hon. member for Hamilton had alluded to the threatening language which the petition contained, in reference to the future "connection of Canada with Great Britain." But what else could be expected, when the Government used a similar expression in the address on the subject of the Clergy Reserves? It was quite clear that this would be the effect--that if the Government in grave state documents talked of "collision" and so forth, there would be persons out of doors to amplify the suggestion. (Hear, hear.)⁸

MR. SOL. GEN. CHAUVEAU said, the Government never used such an expression; and the word that had been deemed objectionable had been abandoned. The Government, however, always disclaimed the meaning given to it. Had they wished to convey the meaning attributed to it, it would be a fair subject of attack.⁹

MR. J.S. MACDONALD the SPEAKER decided the petition to be out of order.¹⁰

MR. PRES. EX. COUN. CAMERON said, if they were not at liberty to discuss whether the petition should be received, where would be the right of petitioning. He had on a former occasion, he said, been denounced, and accused of treason, because he supported the people in expressing what they desired--a change in the constitution. He contended that the people have a right to demand a change in the constitution, and to petition for "annexation;" and he considered that they

had a right to argue in favour of organic changes everywhere. The course they ought to pursue was another affair. The petition complained of the union of Church and State as being undeniable; and declared that the introduction of a policy similar to that which had been pursued in Ireland into this country, would be insupportable. If the petition were objected to by the Speaker, of course it could not be received; but he contended that petitioners had a right to state, that any particular state of things would be intolerable.¹¹

MR. LANGTON said he should not withdraw the petition, but would move that it be received.¹²

MR. MACKENZIE said, at the time the petition was introduced, he had ... great variety of modes adopted, and in the back townships of Canada, it could not be expected that the most courteous terms would be used. But where petitioners speak as they do in this instance, and state that a bad system would produce bad results, he would be the last man to throw it out. The Provincial Secretary had said, that the document before the House, was not a petition, but a speech; this is the case with all petitions, and which conclude with a prayer. He contended that it was a petition which ought to be received; and if it were not, he hoped it would be printed and sent over the land. In the first place, it refers to the promises made by Earl Grey; and secondly, it asserts that the present Colonial minister was not willing to redeem the pledges which he gave; and which had been stated in that House. They state that the settlement of the Clergy Reserves, to be final, must be effected by the Canadian Parliament, which is correct. And with reference to the troubles of a former day, they were caused by the Clergy Reserves, and which strike at civil and religious liberty; and that equal justice cannot be obtained under the Government of England, as under that of the United States. He was not desirous of referring to former events, but the gibbets of 1837 and 1838, were constantly before him; and he warned members not to reject the petition because it was not worded in courteous terms. They say that the Queen is game, and that they like her the better for it. There was no harm, he said, in being pleased with a woman of spirit. They go on and state, that they hate the connexion of Church and State. If gentlemen would go to New York, they would hear Archbishop Hughes say, he was happy that it had been done away with in the United States. Edmund Burke, had expressed the same sentiments in his day. He adverted to the recent proceedings in England, where Roman Catholic prelates are not allowed to appear in public in the vestments of their order, not to use the titles which had been conferred on them; which was owing to the union of Church and State. Similar remarks would apply to Ireland. The petition alludes to the throwing overboard of the tea in Boston; but Lord Brougham had done the same; and when Lord Ashburton called at Boston, he referred to that city as being the cradle of American liberty. And if he did so, shall not the backwoodsman be permitted to do the same, and should their petition be rejected as a piece of worthless paper. He would always stand up for the people when they told the honest truth; at the same time he admitted that the language was not as choice as he wished it were, but still he saw no reason why it should be rejected with disgrace.¹³

MR. BADGLEY said, if the petition were worded in a proper manner, it was right that it should be presented. Every man had a right to use what language he pleased, if it was not at variance with what is right and proper. But the language of the pot-house ought not to be used. He would go as far in favour of the right of petitioning as any man--and very coarse language may sometimes be accepted; but when parties descend to the use of scurrilous and foul terms, as in this case, the House would not be justified in receiving their petition. As to the question of civil and religious liberty, that was not the subject of discussion. He thought it would be as well to decide as to the reception of the

petition at once.¹⁴

MR. STREET, did not consider this a question which affected the right of petitioning; and no one would deny that when a petition is expressed in respectful language it ought to be received. But this is one of quite a different nature, and the question is, was it of a nature that was respectful to the Sovereign and the House. If the principle laid down by the President of the Council (Mr. Cameron) was a true one, that they must receive a petition, whatever might be its tenor, there would be no necessity for any rules upon the subject; because in that case, every petition must be received. The question to be decided, he said, was one of an abstract nature, but whether the present petition is couched in such language, that in accordance with the judgment and good sense of the House, it ought to be received. Although not couched in such language as it should be; yet he did not believe that those men, whom the member for Haldimand characterized as humble individuals, were really of that class of persons, besides, he did not think their petition ought to be excluded on that account. But are these humble men, or of a common character and caste? He maintained, they were capable of clothing a petition in language that would be acceptable to the House. He should like to know what some of the allusions contained in the petition had to do with what was its ostensible object?—what had musk-rats and pole-cats to do with it? It was evident what was the object of such language. He concluded by saying, that the petition was not couched in language suited to the dignity of the House.¹⁵

MR. STEVENSON said he would support the reception of the petition. He did not approve of the sentiments it contained; but he wished it to go before the people, and he believed their good sense would induce them to express their decided disapprobation of such sentiments.¹⁶

MR. PROV. SEC. MORIN said he would not reject a petition, because it was not in accordance with his views; but he should object to that before the House, because he did not consider it as being couched in decorous and proper language, and therefore it ought not to be received. He was not wrong when he said it was a speech rather than a petition. Some speeches, he said, were logical and proper; but when a petition is extended to wound the feelings of the body to which it is addressed, it may be called a speech rather than a petition. He would not enter upon the subject of the right of petition; but he did not much admire the views that had been expressed. There is a class of men who are actuated by principles of religious intolerance, which could not be justified upon religious grounds; and who profess to know what is intolerable to God; upon which no one could decide; and who therefore evince a tendency to censure others, which ought not to be tolerated. He would say boldly, that there was a wide distinction between such persons and those who wished for religious liberty, and those whose intolerance was worse than any other description of tyranny.¹⁷

SIR A. MACNAB said it was wrong in the member for Haldimand to state, that there was any disposition to reject the petitions of the people. Every one knew, that the right to petition is a fundamental principle of the constitution; but they also knew that a petition must be couched in respectful language; and should not be a violation of the rules of the House, or disrespectful towards her Majesty. It had been said that the petition under discussion had been drawn up by ignorant men, which was evidently not the case. But was the petition such a one as should appear on the journals of the House? and he put it to members whether it was such a document, as a Reeve, under the seal of the municipal corporation ought to send to the House; and he should like to know, if any body of gentlemen, or respectable yeomen, or freemen, would send such a document to a Legislative body anywhere? He should not refer to any threats that were used;

but it must be deemed ill-mannered and silly in the extreme, to say of the Queen that she was "game to the back-bone," and after using this insulting language, that they "liked her all the better for being so." And this petition had appended to it the signature of the Reeve of a township, who has been appointed by the Government. Then, speaking of Sir John Pakington, who they said resided three thousand miles off, and who never "saw a skunk and musk rat." This was very respectful truly! Did such language, he would ask, come within the rules of the House; which enjoin that nothing shall be said disrespectful towards Her Majesty. The member for Haldimand, he said, would be delighted no doubt to get on a stump and read the petition, and then ridicule the House for having received it. The gallant knight concluded by reading from the rules of the House, which state, that the language of petitions, "must be respectful and temperate, and not offensive to Parliament;" remarking upon the fact that the petition had been signed by a Reeve, one of a class of persons, whom it is proposed to place in the Legislative Council; and by expressing his conviction, that the petition could not be received, as being contrary to the rules of the House.¹⁸

MR. PAPINEAU said, every one must be satisfied that the petition ought to be received. There may be blasphemy expressed ... and against God; but that could not be punished by the House. And even when parties had been brought before courts and judges, independent juries had decided against the judgment of the latter, because they saw that the Government availed themselves of this pretext of an offence against God, to prevent animadversions upon those in power. Of late years, he said, it had been a wise provision in England, never to look at the language of petitions, or to admit or reject them on that account, as they deemed it better to let the people speak out in this manner than in private associations. The responsibility in this case, he said, rested with the petitioners, and there could be no harm in allowing the petition to be received.¹⁹

MR. AT. GEN. DRUMMOND said, so far as the language of the petition is concerned, it is of little importance whether it be received or not. Every one must admit that the rigmarole it contained, did not do much honour to the Reeve who sanctioned it. He did not consider the gentleman was to blame who presented it, and if the House thought it ought not to be received they would reject it. The Legislature is not called upon by the petitioners to do anything; but it requests that Sir J. Pakington be required to do something, in language not very respectful certainly. If a petition were presented which should be drawn up in more respectful language, and a prayer were appended to it, the House would attend to it.²⁰

MR. LANGTON said, under the rules of the House, a member who presented a petition was answerable that it was not drawn up in an impertinent or improper manner. He had already explained that he had not read the petition carefully. He saw that it was signed by the warden, and did not pay that attention to its contents that he would have done, had it come from a humble individual. When the objection was first made, he was disposed to withdraw the petition, but the member for Simcoe had moved that it be received; and if it was improper to receive the petition, it was improper that it should be read. As it had been read, therefore, he conceived that he was placed in a different position, because members were not satisfied with finding fault with the expressions which it contained, but went on to argue that it was improper to bring such subjects before the House. He was willing to bow to the decision of the House, should it determine, that, as there was no prayer in the petition, it could not be received.²¹

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Mr. Langton moved, seconded by Mr. Mackenzie, and the Question being put, That the Petition of the Municipality of the United Townships of Dummer and Burleigh, representing the injustice of the present disposition of the Clergy Reserves, and the proceedings of Sir John S. Pakington and the English Ministry now in office, with reference thereto, and praying the House to inform the Pakingtons of the opinions entertained by the Petitioners with regard to the same, be now received; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Christie of WENTWORTH, Fergusson, Hartman, Langton, Mackenzie, Merritt, Papineau, Prince, Stevenson, White, and Wright of East Riding of YORK.--(12.)

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NAYS.

Messieurs Badgley, Boulton, Brown, Burnham, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Fournier, Gamble, Gouin, LaTerrière, LeBlanc, LeBoutillier, Lemieux, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, Morin, Paige, Ridout, Robinson, Rose, Seymour, Shaw, Short, Stuart, Taché, Tessier, Viger, Willson, and Wright of West Riding of YORK.--(38.)
So it passed in the Negative.²²

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council acquaint this House, that His Excellency the Governor General has appointed this day, at two o'clock in the afternoon, to be attended with the Joint Address of both Houses to Her Majesty on the subject of Reciprocity with Foreign Nations; and have ordered that the Honorable Mr. Receiver General Taché, and the Honorable Mr. Post Master General Morris, shall be in attendance on the part of their House at that time.

And then he withdrew.

Ordered, That the Honorable Mr. Hincks, the Honorable Mr. Morin, the Honorable Mr. Cameron, and the Honorable Mr. Chabot, do attend His Excellency the Governor General on the part of this House, this day at two o'clock, with the Address of both Houses on the subject of Reciprocity with Foreign Nations.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by Command of His Excellency the Governor General,--Statements of the affairs of the Provincial Penitentiary for the year ending 30th September, 1851, and also for the quarter ending 31st December, 1851.

For the said Statements, see Appendix (I.I.I.)

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

In obedience to the Instruction of Your Honorable House "to inquire into the causes of delay in completing the Printing of the Journals, &c., of the last Session of Parliament; and also to inquire and report upon the efficiency of the distribution of the same to the various Municipalities throughout the Province, in conformity with the Order of this House," Your Committee have to state, that with reference to that part of the Instruction which relates to the delay in the printing, the cause to a great extent arose from the time lost at the close of the Session in removing all the Manuscript documents, and the Printing Establishments of the Contractors, from Toronto to Quebec, which, in the

opinion of Your Committee, should not have been done until the Printing of the Session had been completed. Your Committee, in concluding this part of the Instruction, beg leave to state, that they entertain no doubt that under the arrangements submitted by them in their last Report, and to which the concurrence of Your Honorable House has been given, in future the Journals of each Session will be in the hands of Members within two months, and the Appendices within five months, after its close.

With respect to the latter part of this Instruction, relating to the efficiency of the distribution of the Journals and Appendices to the various Munic-

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ipalities under the Order of the House of the last Session, Your Committee have made inquiry, and have to report, that that duty has been most satisfactorily performed under the Order of the House; receipts being laid before them from the Clerks of the several County Councils throughout Upper Canada, and from the Mayors or Secretaries of Municipalities throughout Lower Canada; and considering the very efficient manner in which this duty has been performed during the past recess, they recommend that for the future, the same course be adopted for carrying out the Order of the House in this particular.

Your Committee having observed at the time of the third reading of a Bill, that Members may be at a loss to know the several amendments made to the same during its various stages, and as by an Order of the House every Bill is at its third reading reprinted, they recommend that one copy of such reprint be struck off for, and delivered to, each Member of the House, on the day for which the third reading is ordered.

In concluding this Report, Your Committee beg to suggest an alteration in one of the recommendations in their last Report, by striking out the words "Clerk of the Printed Papers," and inserting "Clerk of Your Honorable House, or such Officer in his department as he shall appoint."

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Tenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to amend the Act, intituled, "An Act to incorporate the Orphan's Home and Female Aid Society, Toronto," and have made several amendments thereto, which they beg to submit for the consideration of Your Honorable House.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, That Michel F. Valois, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, yesterday.

Ordered, That Michel F. Valois, Esquire, do attend in his place in this House, at its next sitting.

On motion of Mr. Lemieux, seconded by Mr. Short,

Ordered, That the Select Committee on the Kamouraska Election Petition, have leave to adjourn until Thursday next, in order to allow the Parties to continue their evidence and furnish certain documents.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Sixth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich, referred to them, and have agreed to several amendments, which they humbly submit for the adoption of Your Honorable House.

Your Committee have also taken into their consideration the Bill to amend the Act incorporating the Toronto and Guelph Railway Company, referred to them, and which they beg leave to report with an amendment to the tenth Section, confining the extension of their Road to the Village of Stratford; the reason for which amendment is embodied in the following Resolution adopted by Your Committee.--

Resolved, That it would be unjust and impolitic to grant a competing line with the Great Western Railway, such as that asked by the Toronto and Guelph

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Company in the proposed extension of their line from Guelph to Sarnia, there having been no evidence adduced to shew to this Committee that there would be more business than one line could do; that the Province having taken interest to the extent of one-half the cost of the Road now chartered, (being upwards of Seven hundred and fifty thousand pounds,) that interest, as well as the interest of the individual Stockholders, should be protected; that this Committee are therefore of opinion, that the extension of the Charter of the Toronto and Guelph Railway Company should not be granted.

Ordered, That five hundred copies of the said Report be printed for the use of the Members of this House.

Ordered, That the Petition of Matthew H. Warren, of Indian Island, on the coast of Labrador, be printed for the use of the Members of this House.

Ordered, That the Bill to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Tuesday next.

Ordered, That the Petition of the Reverend E. Blyth and others, of the Seignior and County of Beauharnois; and the Petition of William Henderson and others, of Ste. Martine, and other Parishes in the County of Beauharnois, be printed for the use of the Members of this House.

Ordered, That the Bill to amend the Act incorporating the Toronto and Guelph Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for Tuesday next.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to provide by one general Law for the incorporation of Electric Telegraph Companies;" and the same were read, as follow:--

Page 2, line 16. After "highways" insert "or impede the free access to any house or other building erected in the vicinity of the same."

Page 2, line 47. Leave out from "of" to "to" in line 48, and insert "the owner of or of the Association owning any Telegraph Line now in operation, or that may hereafter be in operation."

Page 3, line 18. Leave out from "time " to "assume" in line 19.

Page 3, line 21. Leave out from "time" to "and" in line 22.

Page 3, line 26. Leave out "such time" and insert "the time of such possession."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Cameron do carry back the Bill to the Legislative Council and acquaint their Honors that this House hath agreed to their Amendments.

MR. D. CHRISTIE²³ (Wentworth) then moved the adjournment of the House for six weeks; stating as his reason the alarm felt by many [sic] persons, on account of the prevalence of disease, and the consequent departure of several members.²⁴

MR. INSP. GEN. HINCKS thought it might be expedient that the members of the Government should take the earliest opportunity of expressing their opinion on this subject, which had, no doubt, already occupied a considerable share of hon. gentlemen's attention. There was no doubt that a very considerable number of the members of the House were anxious that an adjournment should take place, and it became necessary to consider the question in two points of view; first, what prospect is there of a speedy termination of the session? He had no hesitation in saying that, in view of the very large mass of important public and private business now before the Legislature, he saw no prospect whatever of the session being brought to a close before the latter part of January; judging from the manner in which business had been disposed of, up to the present time. It would be utterly impossible, in his opinion, to get through before Christmas; and as it had always been the question to adjourn for a fortnight or three weeks, for the Christmas holidays, he supposed such an adjournment would take place at that festival. If so, the session would be necessarily prolonged until January; but if there were no adjournment for the Christmas holidays, the business might be concluded somewhat earlier. Then, with regard to an immediate adjournment, he did not think that the reasons furnished by the events of the last few days, were sufficient to justify that step. Still, if it were found by the information communicated by individual members to the Government, that an adjournment was absolutely necessary, it would be selfish in the Government to oppose it. The rumours as to the prevailing sickness had been very much magnified; there had been but one death yesterday, and there had been but very few deaths from it in all; but, however serious it might be, the members of the Government will be compelled to remain in the city, and, so far as they are concerned, the adjournment can be of no consequence whatever. For themselves, therefore, the members of the Government could not be supposed to be desirous of an adjournment; but they were informed that a large number of members left town yesterday, and that several more are about to leave. Under those circumstances, it was scarcely reasonable to suppose that a full House could be secured during the discussion of the important questions which are to be brought forward. That was an argument, certainly, in favour of an adjournment; but if it was the sense of the House that an adjournment should take place, he thought it was entirely out of the question that it should be immediate, as there are several unopposed measures which should be disposed of, and the House ought to make some arrangement for that purpose.²⁵

MR. CAUCHON, as a resident of Quebec, disclaimed any selfish desire to retain hon. gentlemen here if they conceived that there was any danger in remaining. If it were resolved that an adjournment should take place, it ought to be immediate. He would, therefore, resist any proposition to take up what the Inspector General called "unopposed measures," for several of these measures might be opposed in their subsequent stages, although unopposed at first. The orders of the day and notices of motion might occupy their present position at the next meeting of the House, and if it should then appear that there was no disposition to contest the passage of these "unopposed measures," they might all be passed in one day. If the House were to adjourn, as he had said, the adjournment ought to be immediate. It was useless to prolong the time for ten days more, for in ten days, all necessity for the adjournment might cease to exist.²⁶

MR. BOULTON thought it was unnecessary that he should give his reasons for seconding the motion of the member for Wentworth. He believed that in consequence of the illness which prevailed in the city, several members of the House had left, because they believed it unsafe for them to remain here, and several counties in Upper and Lower Canada were thus left unrepresented.

If, however, the House refused to adjourn, the galleries should at least be closed to prevent them from being filled night after night, with crowds who contaminate the air to such an extent, as to put the life of every public man in danger. He could perceive no objection to an immediate adjournment; there was not a single measure which would suffer by delay, and which might as well be passed at some future day as at the present. Having mentioned several cases of serious illness; the hon. gentleman went on to say that there were other reasons why an adjournment should take place. He had pursued a certain course during this session; and, in accordance with it, had prepared a motion for the purpose of testing the capability of gentlemen on the Treasury benches to retain their seats; but he felt that he could not, in justice to these hon. gentlemen or to himself, submit that motion in the absence of their supporters; it would be unfair and unmanly in him to do so. It was a question of immediate adjournment or no adjournment at all; the call of the House is for Wednesday next, and by Monday morning, there will be twenty Upper Canada counties unrepresented.²⁷

SIR A. MACNAB did not agree at all with the member who had just taken his seat. He did not wish to undervalue the position that members are placed in, with regard to the cholera raging in this city; but there are certain great measures before the House which it is desirable to pass, and some of the members who are determined to pass those measures might remain for that purpose, pass them, and then adjourn the House for three weeks.²⁸

MR. BROWN moved that the debate do stand adjourned until Tuesday next. From the state of excitement that hon. gentlemen were in, it was evident that the question could not be discussed calmly, and therefore he trusted it would not be ... [what]ever course should be taken, should be decided on at once. He could see no reason for a postponement. Now, if the statement made by the member for Toronto came from the member for Hamilton or the member for Kingston, acknowledged leaders of the opposition, he would believe that under such circumstances, it would be impossible for the Government to consent to an adjournment. It would be derogatory to them to do so. But he could not acknowledge the intimation given by the member for Toronto as binding on the Government in an equal degree. He was not in the habit of throwing personal disrespect [sic] on that hon. gentleman.²⁹

MR. BOULTON.--You have not, sir.³⁰

MR. INSP. GEN. HINCKS.--But when he considered that hon. gentleman's position in the House, and the number of those who adhered to him on political questions, he did not think it necessary for the Government to act in that manner. The Government therefore would not resist the wish of the House, if there was a general desire to adjourn; but they would most certainly resist any motion for immediate adjournment. It so happens that several of those members who were most urgent in favour of an adjournment have already left town having positively refused to stay, and others were prepared to leave; under these circumstances he did not think that the Government would be justified in resisting the desire to adjourn if it were general.³¹

MR. J.A. MACDONALD (Kingston) thought that the course intimated by the Inspector General was the correct one, and ought to meet with the approbation of the House. He must say that he could not agree with the member for Montmorenci; every one knew for weeks past that rumours had been in circulation respecting the cholera; but the members of the House were quite indifferent, apparently thinking themselves immortal, until one of their number was stricken down, when they immediately took alarm, and said that they, 84 members out of the population of 40,000 or 50,000, dare not sit any longer lest they should all be swept

off. They were going to play the part of children, and run off from Quebec, as though it was the city of the plague. He did not boast of having stronger nerves than any other gentleman of the House; but he really did not feel any of the alarms which were manifested by some. Nevertheless, if they absolutely refused to stay, he hoped that gentlemen of different politics would pair off together, without insisting on an adjournment, so as to permit the public business to go on.³²

MR. MERRITT was in favour of an adjournment, not immediate, but to take place in eight or ten days time so as to allow the Government to get through their business. If at the end of that time the disease still continued; then hon. members might go home; or if it would have ceased they might go on with the business of the country. It was according to common sense and reason to leave that place where a pestilence prevailed, and to go where it was unknown; but besides that reason for an adjournment, he thought another might be advanced of considerable weight; and that it might be proved very conclusively that the public interests would be promoted by an adjournment, eight or ten days hence, until after the holidays.³³

MR. PAPINEAU said that the question of adjournment had been already decided by the departure of fifteen members of the House, on the eve of the appel nominal. No responsibility could be attached to the Government for consenting in the adjournment as it had been forced on them by the action of those gentlemen who had already left, and who were preparing to leave. The public could not suffer by an adjournment, for although many of the measures before the House are of great importance, yet there is no necessity for immediate action. The only measure which might be considered to require great haste was the Main Truck Line Bill; but the season for labour on the roads is past or nearly so, and even the delay of that measure for a few days could not injuriously affect public interests.³⁴

MR. AT. GEN. DRUMMOND stated, that this question was one respecting which the Government must consult the wishes of the majority of the House. It was quite clear that if a large number of the members were in favour of an adjournment,--and if it were resisted successfully by the Government, and deaths were afterwards to follow; a kind of responsibility which the Government would be very unwilling to incur, would be thrown upon them. In according, therefore, to the wishes of hon. members, no imputation of trepidation or fear could be thrown on the members of the Government, as they will be compelled to remain here, whether there should be danger or not. He was convinced, himself, that there was no danger in remaining if hon. gentlemen would only banish all fear; but, of course, some minds were so constituted, that it was impossible to do so. From the statements of the physicians, whom he had consulted, it was evident that there was no ground for alarm.--In fact, it appeared that there was only one death from cholera yesterday, among a population of fifty thousand souls, according to the official report. One physician informed him that he did not think there was the slightest danger in remaining; but that he would advise the galleries to be closed against the public. Under all the circumstances, he thought it would be well if hon. members would brace up their minds, and remain to perform their duty.³⁵

MR. CARTIER was decidedly of opinion that the House would not be justified in adjourning, under existing circumstances. There was nothing extraordinary in the recurrence of the disease, which at present prevails every Spring and Fall in a maritime port. In the course of a very few days Jack Frost would make his appearance, and although an exceedingly incommodious sort of old gentleman, yet he was of great use in purifying the atmosphere, and if hon. gentlemen

would only remain until then, they would perceive that the population of the city would be almost instantaneously restored to health. It was quite true that hon. gentlemen had to mourn the decease of a highly respected colleague, and perhaps before the end of the session some others might be called to an account before the great tribunal of the Almighty; but it was scarcely probable, as far as a human being could form a judgment. Nevertheless, he protested against an adjournment at a season when duty to the public ought to decide hon. members to remain at their posts.³⁶

MR. STREET said, that so far as he could ascertain, there was no necessity whatever for an adjournment. He did not wish it to be understood that he favoured the existing epidemic, or that he braved the decrees of Providence; but he thought that until it was shown that the disease exists to such an extent as to render it unsafe for hon. members to remain, they should go on with public business. He was prepared to go on with it, and could see no necessity for the whole House to follow those gentlemen who had left the city from apprehension or any other cause.³⁷

MR. MACKENZIE was one of those who, until last night would have resisted an adjournment; but after what he saw throughout the city, and especially the suburbs last night, he could not close his eyes to the fact that there was a great deal of disease in Quebec, and that it would be unfair to compel hon. members to remain, contrary to their own wishes. He felt no apprehension himself, having already encountered cholera frequently, and under peculiar circumstances; he was an old man, and might as well die in Quebec as anywhere else. If the House did adjourn, he should not leave town for some time; but he was not prepared to incur the responsibility of causing the loss of valuable life by voting against the motion.³⁸

MR. INSP. GEN. HINCKS said, the Government had stated all along, that they are entirely opposed to the adjournment, which gentlemen defend on grounds that are utterly inconsistent. The effect of an adjournment would be to leave the business of the country unsettled. The Attorney General had said that in two or three days, much of the business of the House might be brought to a state of maturity, and that might be disposed of. He did not know any, which the Government wished to press, that would be opposed, with the exception of the³⁹ Main Trunk Railway bill⁴⁰ against which, he understood, the member for Kent intended to make a long speech.⁴¹ [He] stated ... that the Montreal and Kingston Railway Company had withdrawn their opposition⁴². There was no longer any objection to the passage of the bill, on the part of those who claimed a priority of rights under their charter; and all misunderstanding had been removed⁴³. It is understood that the Main Trunk Company is to incorporate with the St. Lawrence and Atlantic Company, and the principal stock holders of the Montreal and Kingston Company, adding Messrs. Galt and Holton to the direction.⁴⁴ The bill stands for a third reading, and he was not prepared to abandon it. If an adjournment were deemed advisable, then the bill could be passed at once.⁴⁵

MR. MACKENZIE argued that the cholera was highly infectious; and it was too hard to force members to remain in the face of an epidemic. If the House should determine to remain in session, he should be there to vote in his place; and if they adjourned, he should remain to transact his own private business.⁴⁶

MR. BADGLEY could see no reason for an adjournment taking place. If they should decide to adjourn till Tuesday, the excitement would by that time be over, and they would be able to go on with business; but let it be the general business of the country.⁴⁷

MR. PRES. EX. COUN. CAMERON said a serious responsibility was attached to

either course which was proposed. As to the statement that fifteen members had left ... ascertained that it was the intention of most of them to return on Tuesday. It was not a fact that two persons had died in Mr. Taché's house, and the rumour was without foundation. In the office where he did his business, it was true one of the messengers had died, and subsequently an infant child had also died. He said he had been requested by his colleagues to ascertain what were the facts of the case, and for that purpose he went to the different authorities. He found that the disease had originated in the Lower town, where sailors after returning from their voyages, engage in all sorts of dissipation and intemperance; and he learnt from Capt. Boxer, that the cholera exists there every year, but that there are not so many cases this year as the last. The number of deaths had been only thirty⁴⁸ [OR] the number of deaths altogether, since the 28th Sept., were one hundred and twenty-eight.⁴⁹ During the last three days, the number of deaths by cholera had been two, six, and one; and there had been no deaths by the disease in the Marine hospital; and he had the authority of a physician of high respectability to state, that should the House adjourn, such would be the alarm which would be created in the community, that it would increase the number of deaths to thirty. As a responsibility existed every way, he thought it was their duty to adjourn till Tuesday, and then be governed by the circumstances of the case at that time.⁵⁰

MR. ROSE was prepared to say they ought to go on with the business of the country. He thought the question had been put fairly by the Government, and was of the same opinion, that there was nothing in the nature of the case which should induce members to give up the discharge of their duty.⁵¹

MR. BOULTON thought there was nothing arising from the disease alluded to which called for an adjournment; but owing to the panic that had been created, a number of members had left, and others would take their departure if the House did not adjourn. Members were not in a condition to discuss any subject deliberately. No measure, he said, had been pressed forward by the Government; and if there was any question for which time for consideration should be allowed, it was the Railway Bill. At all events, the House ought to adjourn till Tuesday; but he thought there should be a further adjournment. The Inspector General had alluded to a motion of want of confidence which he (Mr. B.) intended to submit. He did not occupy that position with his party which rendered his other than individual aid; but he believed he possessed more of their confidence than the member for Hamilton, who, he believed, possessed neither their confidence nor that of the country. He was about to proceed with some further remark, but yielded to the desire generally expressed by the members, that the debate should terminate.⁵²

MR. INSP. GEN. HINCKS said the House had met that morning for the purpose of going on with the business of the country, which, he thought, ought to be proceeded with. It was perfectly clear that the House was against the adjournment that had been moved.⁵³

MR. RIDOUT had seconded the motion of the member for Kent, because a case had not been made out in support of the motion to adjourn. He said he entertained as great a respect for the feelings of members as any one could; and although he should not vote for the adjournment, yet he felt that every opportunity ought to be afforded to gentlemen to explain the reasons for their arriving at a different conclusion. He had not seen anything in the public journals of the city calculated to produce the alarm which the discussion that had taken place would create; neither had he seen any regulations of the Board of Health, or authorities of Quebec, such as might be expected if the disease prevailed to any great extent. There was no doubt that sickness prevails in a manner equal

to what had been represented, but when he considered that there is a population of 45,000 souls, and in addition that it is a seaport town, he had not arrived at the same conclusion as to the alarming extent of the sickness. Under all the circumstances, he thought the motion of the member for Kent should have been taken up and disposed of without debate, instead of which the better part of the forenoon had been spent in discussing the subject. He understood that the House was to meet that day for the purpose of taking up other matters which must be disposed of before an adjournment could take place, under any circumstances. He thought they had better take the sense of the House as to adjourning till Tuesday, when members would be better informed as to the prevalence of the disease.⁵⁴

MR. D. CHRISTIE, of Wentworth, said he still retained as strong an impression as when he made his motion of adjournment; but in deference to what appeared to be the sense of the House, if it was its pleasure he would move to withdraw his motion.⁵⁵

[This] was objected to by MR. BOULTON.⁵⁶

MR. STUART believed there was an alarm felt by the citizens of Quebec⁵⁷. Since the 28th September, he learned from the best authorities that only 120 deaths had taken place; which amounted to only four per day⁵⁸, but the state of the building in which the Legislature assembled was calculated to produce that effect on members.⁵⁹ Within the last few days, however, the small average had attached itself to this locality where we were; so that three cases had occurred out of the six the day before yesterday, from persons attached to that House; and a person in attendance on a member the previous night was now a corpse. It therefore became a question whether an adjournment of some days should not take place, in order to have the House ventilated and purified.⁶⁰

MR. BROWN said he would not press his amendment, if hon. gentlemen were prepared to state, that they desired to remain, but were unable to do so in consequence of existing disease in the city and the state of their health; that no one had made such a statement--no case for a long adjournment was made out.⁶¹

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Mr. Christie of Wentworth moved, seconded by Mr. Boulton, and the Question being put, That this House do now adjourn; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Cauchon, Chapais, Christie of WENTWORTH, LaTerrière, Marchildon, Papineau, Short, Stuart, Taché, Viger, White, Willson, Wright of West Riding of YORK, and Young.--(15.)

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NAYS.

Messieurs Badgley, Brown, Cameron, Cartier, Chabot, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Fergusson, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Laurin, LeBlanc, LeBoutillier, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, McLachlin, Morin, Paige, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Seymour, Shaw, Sicotte, Stevenson, Street, Tessier, Varin, and Wright of East Riding of YORK.--(41.)

So it passed in the Negative.⁶²

Mr. Cauchon moved, seconded by Mr. Gamble, and the Question being put, That the Orders of the day be postponed until Tuesday next; the House divided:--

And it was resolved in the Affirmative.

*Then, on motion of Mr. Cauchon, seconded by the Honorable Mr. Robinson,
The House adjourned until Tuesday next.*

FOOTNOTES: 30 OCTOBER 1852.

1. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 2 November 1852, QUEBEC GAZETTE, 3 November 1852, MONTREAL GAZETTE, 4 November 1852, PILOT, 4 November 1852, BATHURST COURIER, 6 November 1852, and BRITISH COLONIST, 9 November 1852. The debate was also reported by GLOBE, 11 November 1852.
2. GLOBE, 11 November 1852.
3. IBID.
4. IBID.
5. MORNING CHRONICLE, 2 November 1852.
6. GLOBE, 11 November 1852.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. GLOBE, 11 November 1852. The ellipsis represents illegible words.
14. GLOBE, 11 November 1852.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. GLOBE, 11 November 1852. The ellipsis represents illegible words.
20. GLOBE, 11 November 1852.
21. IBID.
22. GLOBE, 11 November 1852, reported in error that "... the petition was then rejected: Yeas, 41; Nays, 15."
23. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 2 November 1852, QUEBEC GAZETTE, 3 November 1852, MONTREAL GAZETTE, 4 November 1852, PILOT, 4 November 1852, and BRITISH COLONIST, 9 November 1852. The debate was also reported by: OTTAWA CITIZEN, 6 November 1852; GLOBE, 11 November 1852; and LE PAYS, 3 November 1852. The following papers noted the debate in identical accounts: BRITISH WHIG, 1 November 1852, HAMILTON SPECTATOR DAILY, 1 November 1852, MONTREAL GAZETTE, 1 November 1852, BRITISH COLONIST, 2 November 1852, EXAMINER, 3 November 1852, NORTH AMERICAN WEEKLY, 4 November 1852, BATHURST COURIER, 5 November 1852, and LA MINERVE, 2 November 1852. A commentary appeared in LE PAYS, 3 November 1852 (in a separate account).
24. MORNING CHRONICLE, 2 November 1852.
25. GLOBE, 11 November 1852.
26. IBID.
27. IBID.
28. IBID.
29. GLOBE, 11 November 1852. The ellipsis represents illegible words.
30. GLOBE, 11 November 1852.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.

[NOTICE OF MOTION RE: RECIPROCAL TRADE RESOLUTIONS.]

MR. MERRITT [gave notice that he would move for a] Committee of the Whole, for the purpose of considering certain Resolutions on the subject of Reciprocity.⁶³

[NOTICE OF MOTION RE: NONCONFIDENCE.]

MR. BOULTON [gave notice that he] will move to Resolve, That taking into consideration the neglect of the best interests, welfare, and improvement which has been evinced by the Provincial Executive Government, during the continuance in office of the present Ministers of the Crown, their reckless extravagance in the place of a judicious retrenchment of the Public Expenditure, their neglect and mismanagement of the Crown Land Department, whereby the Province has been defrauded of a considerable revenue that should be collected on Timber, their expenditure of large sums of money without the authority of Parliament, the remission and refunding of Timber Duties contrary to law, their gross neglect of the Sinking Fund required by law, withholding the Returns provided for by law from Parliament, the neglect of our Public Institutions, their careless and unbusiness-like mode of conducting the business of the Executive, whereby erroneous duties have been attached to an Order in Council, on a subject of vital importance--the superseding of the law by the authority of a single Department, to the loss of the Provincial Revenue, the general want of principle evinced in their legislation, and the fact that in the Executive Council there exists the avowed advocates [sic] of the most opposite principles of Public Policy,--this House can have no confidence in the manner in which the administration of affairs in this Province is advised and conducted.⁶⁴

[NOTICE OF QUESTION RE: CLERGY RESERVE LOT 39.]

MR. MALLOCH [gave notice that he would make] enquiry of [the] Ministry, that Clergy Reserve Lot number 39, on the Ottawa, in the Township of Nepean, having been purchased and paid for, together with the rest on the 7th Aug. last, under Order in Council of the 4th August, 1852 R1141; That the Lot, having been sold under the regulations of 13th July, 1841, founded on the Imperial Act 3rd and 4th Vic., cap. 78, Provincial Act 4th and 5th Vic., cap. 100 and 12 Vic., cap. 31,--and Proclamation of Her Most Gracious Majesty in Council, dated respectively at London, 21st October, 1841, and 10th December, 1842, and the Patent stayed, the law of the land consequently violated, after the Lot was referred for the description, and the Lot described for Patent; whether it is the intention of the Government to issue the Patent forthwith, or when, and if not, why not?⁶⁵

[NOTICE OF QUESTION RE: CONSOLIDATION OF ROAD LAWS.]

MR. LEMIEUX [gave notice that he would make] enquiry of [the] Ministry, whether they intend, during the present Session of Parliament, to bring in a measure to consolidate all the Road Laws at present in force in Lower Canada; and also, whether they intend to repeal the Act 13 and 14 Vic., cap. 40, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture."⁶⁶

38. IBID.
39. IBID.
40. HAMILTON SPECTATOR DAILY, 1 November 1852.
41. GLOBE, 11 November 1852.
42. HAMILTON SPECTATOR DAILY, 1 November 1852.
43. GLOBE, 11 November 1852.
44. HAMILTON SPECTATOR DAILY, 1 November 1852.
45. GLOBE, 11 November 1852.
46. IBID.
47. IBID.
48. GLOBE, 11 November 1852. The ellipsis represents illegible words.
49. QUEBEC GAZETTE, 3 November 1852.
50. GLOBE, 11 November 1852.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. QUEBEC GAZETTE, 3 November 1852.
57. GLOBE, 11 November 1852.
58. QUEBEC GAZETTE, 3 November 1852.
59. GLOBE, 11 November 1852.
60. QUEBEC GAZETTE, 3 November 1852.
61. GLOBE, 11 November 1852.
62. GLOBE, 11 November 1852, reported in error that "... the original motion was negatived--Yeas, 41; Nays, 15."
63. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
64. IBID.
65. IBID.
66. IBID.

TUESDAY, 2 NOVEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Cauchon,--The Petition of W.H. Lemoine, Esquire, and others, of Côte de Beaupré, County of Montmorency.

By the Honorable Mr. Morin,--The Petition of William H. Smith, of the Village of York.

By the Honorable Mr. Robinson,--Two Petitions of the Municipal Council of the County of Simcoe.

By Mr. Hartman,--The Petition of J.H. Thompson and others, of the Township of Brock, County of Ontario.

By Mr. Sicotte,--The Petition of John Carden and others, of the Parish of St. Paul d'Abbotsford, County of St. Hyacinthe.

By Mr. Lemieux,--The Petition of Louis Célestin Lefrançois, of the County of Montmorency, Esquire.

By Mr. Brown,--The Petition of Colin McKenzie and others, of the Township of Williams.

By Mr. Fergusson,--The Petition of the Municipal Council of the Town of Guelph.

By the Honorable Mr. Merritt,--The Petition of H. Mittleberger and others, of the Town of St. Catharines.

By the Honorable Mr. LaTerrière,--The Petition of Louis Vincent, late of the Village of L'Ancienne Lorette, now of Murray Bay, Huron.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to the Governor General, dated 10th Sep-

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tember, for copies of the Instructions given by the Government to Oliver Wells, Esquire, Surveyor, to explore the Lands situated on the River St. Maurice and its tributaries, of his Notes of such exploration, and also the Report and the Map drawn by the said Oliver Wells in pursuance of the said Instructions, and also of all papers and documents relating to the steps taken by the Government to open the territory on the St. Maurice to the Timber Trade.

For the said Return, see Appendix (J.J.J.)

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend David Shanks and others, of Buckingham and vicinity; of the Right Reverend the Lord Bishop of Quebec, and others, of the City of Quebec; of Daniel Rose and others, of the Township of Williamsburgh, County of Dundas; and of Jacob Brouse and others, of Matilda; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the Provincial Canals.

Of Thomas A. Young, of the City of Quebec, Esquire; praying payment of a certain amount due him for arrears of Salary as Auditor General of Accounts for Lower Canada, from the year 1826 to the year 1834.

Of the Municipality of the Township of Camden East; and of the Municipality of the Township of Ernesttown; praying that any appropriation which may be made for Roads in that section of the country may be expended in continuing to the Madawaska River, the Road already improved from the said Township of Ernesttown leading towards the said River.

Of the Honorable N.F. Belleau, Mayor, and others, of the City of Quebec; praying the adoption of measures to promote the representation of the Industrial productions of Canada, at the approaching Exhibition of the Industry of all Nations to be held at New York during the summer of 1853.

Of the Mayor, Aldermen, and Commonalty of the City of Hamilton; praying that the Municipal Corporations Act may be so amended as to relieve them from levying a certain rate as Shareholders in the Great Western Railroad Company.

Mr. Laurin moved, seconded by Mr. Lemieux, and the Question being put, That the Petition of J.B. Miville de Chêne, of St. Henry, District of Quebec; praying indemnity for the loss of his Schooner, laden with provisions, wrecked in the year 1816, while in the service of the Government, be referred to a Select Committee, composed of Mr. Fortier, Mr. Lemieux, Mr. Varin, Mr. Fournier, and the Mover, to examine the contents thereof, and to report thereon with all convenient speed; with power to send for persons, papers, and records; the House divided:--And it passed in the Negative.

Resolved, That the Petition of the Mayor, Aldermen, and Commonalty of the City of Hamilton, relative to their Stock in the Great Western Railroad, be referred to a Select Committee, composed of Sir Allan N. MacNab, the Honorable Mr. Attorney General Richards, the Honorable Mr. Macdonald, and the Honorable Mr. Robinson, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise; with power to send for persons, papers, and records.

Ordered, That Mr. Murney have leave of absence during the remainder of the present Session, on account of ill health.

Ordered, That the Bill to amend the Act, intituled, "An Act to incorporate the Orphan's Home and Female Aid Society, Toronto," as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for Thursday next.

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On motion of Mr. Stuart, seconded by Mr. Dixon,

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the election of a Member to serve in this present Parliament for the County of Stanstead, in the room of Hazard B. Terrill, Esquire, deceased.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Chabot, That this House will immediately resolve itself into a Committee, to consider of certain Resolutions on the subject of a Railway from a point opposite the City of Quebec to River du Loup or Trois Pistoles, and from thence to the Eastern limits of the Province;

The Honorable Mr. Hincks, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of the said Motion, recommends it to the consideration of the House.¹

MR. CAUCHON said, if the effect of the motion would be to place the Province in a worse position than it is at present, he would not vote for it; but he would do so if the effect would be not to impair that position. He thought there should be some explanation on the part of the Government before going into Committee.²

MR. INSP. GEN. HINCKS replied, that of course, if the measure was not advantageous, the member for Montmorenci, would not vote for it. No one, however, had any such desire except the member for Montmorenci, who monopolised all the interest that was felt in the affairs of Lower Canada; and unless he were satisfied upon the subject, doubtless he would oppose the going into Committee. All he would say was, that the best chance of obtaining a Railway to Halifax, would be the adoption of the course which had been recommended, and which had been

brought under the consideration of the House.³

MR. CAUCHON blamed the hon. Inspector General for the heat with which he spoke. He did not represent all the country, and that he would find out.⁴ [He] did not consider the hon. Inspector General as being actuated by the best motives, if he objected to an enquiry. An allusion had been made to a new election; let the Government try it. He did not object to a road to Trois Pistoles; but only asked to know if the Province would be placed in a worse position. Did the Inspector General believe, that he (Mr. C.) was to be put down by his intemperate language, such as he used the other day, because he opposed the passage of a law in the absence of a number of members, and which the Inspector General had stated, it was immaterial to him when it passed⁵, whether ... now or in ten months. Then why press it now? If the hon. member respected himself he ought to have told him how the laws at present proposed would act upon the great and entire project. He knew the hon. member wanted to make just so many railroads, as to secure his ministry, and he was in a great hurry about it; but why in so much hurry. A few days ago the House was pressed to pass the assistant Judge bill in an evening; but not one assistant judge had yet been appointed.⁶ He (Mr. C.) did not claim to have all the patriotism and the interests of the country under his wing; but he had the same right as any other member of the House, to take care that the Government did not do that which was improper, or which might prove injurious. This was the duty of every member of the House, and for doing their duty, they were not to be met with harsh language; which he spurned. He would respect the members of the Government, while they respected him, but no longer. He had a right to ask what effect the resolution would produce; and if the Inspector General had any respect for the House, when he (Mr. C.) put the enquiry to him, he would have answered it. If the House should decide that he had no right to express an opinion, and to ascertain what effect a measure would have on the Province at large, then he would not do so. If he were to do wrong, it would be for the electors to say so; he should vote in the manner he deemed proper, and did not care if the Inspector General did get angry. If no member is to speak against the Government, let them form a House of themselves. The object of the Inspector General, is to direct the attention of members to so many roads, so as to give the Government a majority to enable them to retain their seats, and direct the majority which otherwise might be against them. What he wished to ascertain was, the effect of the repeal of the law. If it were wrong to ask questions, let the Government say so.⁷

MR. INSP. GEN. HINCKS said the object of the motion, is to go into Committee, where there could be a full and free discussion.⁸

SIR A. MACNAB thought the Inspector General was unnecessarily severe upon the member for Montmorenci, because the measure was one affecting Lower Canada; and although his colleagues were satisfied that all was right, yet there might be a different opinion prevailing in the House. With reference to the resolution, he said, such would be the effect on Lower Canada, that the Inspector General ought to have made an explanation, when he submitted the motion to go into Committee of the Whole. The member for Montmorenci was perfectly right and correct in asking the question which he did; as when a member asks a question or explanation, it was due to the House that it should be given. He did not think it right therefore in the Inspector General, to rise and denounce the gentleman from Montmorenci for doing so. He knew it was the nature of some persons to speak warmly; but they must expect a similar return. He concluded by saying, that he thought that was the time to make an explanation, which he repeated, a member had a right to ask for; and the House ought to afford him its support.⁹

MR. PROV. SEC. MORIN said no other explanation could be given, than a

statement of facts. A sum of money had been voted, but which had not been obtained. The member for Montmorenci, thought it could be procured from the British Government. Let him attempt it. The Government did not think it could be obtained. All that can be done, is to make a line through our own Province. In doing this, there was every reasonable expectation of succeeding, and he thought the proposed plan would assist in producing that effect.¹⁰

MR. BROWN said: Mr. Speaker, I apprehend that the resolutions of the hon. Inspector General is the last link in the evidence of the Jackson job, and that this is a fitting moment to offer those objections to the general principle of the whole scheme for which no opportunity has, up to this time, been afforded us. At the risk of trespassing on the indulgence of the House, I shall ask to be heard at some length, ere the transaction is finally consummated. I know the deep personal interest felt in the matter by many members, and the impatience which I must encounter in delaying even for an hour the passage of their favourite measure; but I am deeply impressed with the injurious character of this agreement with Mr. Jackson and his partners, and cannot feel that I would discharge my duty to the country without one effort to place before the House the facts and arguments which have led me to so unfavourable a conclusion. This, sir, is a matter of no ordinary importance. The future progress of our country is involved in it to a serious extent, and no amount of time and attention given seriously to its consideration, can be held as thrown away. Five different schemes for building a Trunk Railroad from Halifax to Hamilton have been at various periods before the country; four of them fell through; and this has been suggested to us as an argument for hurrying on the present arrangement. Far from regarding it in this light, I think the events of the past furnish weighty reasons why we should shun hasty action--and I think a little inquiry will show, that of all the plans yet before us, the Jackson scheme is decidedly the worst for the interests of Canada. I think inquiry will show that haste and recklessness have been exhibited to an unfortunate extent throughout the negotiations of the last two years, and that it is now sought to hurry us into this new scheme without a due consideration of other plans yet open to us for adoption. The hon. Inspector General, with his usual dexterity, has presented the Jackson agreement to us as our only and last chance for a Trunk Railway--he has assumed that we have no other way of accomplishing the end--and he has contrived to put the question as--this road or no road at all. Sir, I am not of the hon. gentleman's opinion. I am as much in favour of a railroad from Quebec to Hamilton as any member of this House, and would have it built at all hazard. But I think, and am prepared to show, that we have other means of building it than those now proposed--more advantageous for all the great interests of the country-- and much more economical. And when I speak of a railway from Hamilton to Quebec, I would also favour its continuance to Halifax, were the money obtained, as I think it can yet be obtained, for three per cent., with the help of the Home Government. Without that help, however, I cannot think it would be expedient to proceed with the work at present further east than this.¹¹

Ironical cheers from the Treasury benches.¹²

MR. BROWN: Yes--I repeat, that in my opinion it would be the height of folly to build a railroad of two hundred miles length, through such a country as lies below Quebec, thinly populated as it is and blocked up with snow for half the year--and that at a cost of £10,000 per mile, nearly half of it public money¹³, at 6 per cent.¹⁴ and dependent entirely on way traffic. With the aid of the Home Government, as proposed last year, the scheme is feasible, for it is clear that with that aid we could build from Hamilton to the New Brunswick line, at less than the cost we are now asked to incur from Hamilton to Quebec.

But without that aid--borrowing at six per cent.--the proposal is unmittigated folly. The first proposal for a Trunk Line to connect the Provinces was that it should be an Imperial work--that the three colonies should give large tracts of land to aid in its construction, and guarantee a certain sum for twenty years as profits from the undertaking. Major Robinson was sent out from England to survey the line from Halifax to Quebec; he made the whole length 635 miles, and the estimated cost, £5,000,000. The three Provinces voted the land and the guarantee--but the Home Government were not then prepared to proceed with the scheme, and it fell through.¹⁵ Then came Mr. Howe's plan¹⁶. In 1850, Mr. Howe of Nova Scotia, went to England with a view of obtaining Imperial aid towards the construction of a railroad from Halifax to Portland. Earl Grey declined this proposal, but in the course of the negotiations it appeared that his lordship was willing to guarantee the money for the construction of Major Robinson's road to Quebec should the three provinces agree to undertake it jointly. Mr. Howe gladly availed himself of that offer; correspondence followed; and the terms being arranged, he returned to this country to obtain the consent of the three Legislatures. To show the precise terms proposed, I read an extract from the letter of Mr. Assistant Secretary Hawes to Mr. Howe, dated 10th March, 1851;--

"The assistance which Lord Grey understands you to apply for on behalf of the Province, is, that the payment of the interest of a loan to this amount should be guaranteed by the Imperial Parliament, the effect of which would be, that the money might be raised on terms much more favourable than would be otherwise required by the lenders. I am directed to inform you that Her Majesty's Government are prepared to recommend to Parliament that this guarantee should be granted, or that the money required should be advanced from the British Treasury, on the conditions which I will now proceed to state. In the first place, as Her Majesty's Government are of opinion that they would not be qualified in asking Parliament to allow the credit of this country to be pledged for any object not of great importance to the British Empire as a whole, and they do not consider that the projected Railway would answer this description, unless it should establish a line of communication between the three British Provinces, it must be distinctly understood that the work is not to be commenced, nor is any part of the loan, for the interest on which the British Treasury is to be responsible, to be raised, until arrangements are made with the Provinces of Canada and New Brunswick, by which the construction of a line of railway passing wholly through British territory, from Halifax to Quebec or Montreal, shall be provided for, to the satisfaction of Her Majesty's Government. In order that such arrangements may be made, Her Majesty's Government will undertake to recommend to Parliament that the like assistance shall be rendered to these Provinces as to Nova Scotia, in obtaining loans for the construction of their respective portions of the work."

And in an official letter from the Hon. Mr. Howe to the Nova Scotian Government, another view of the proposal is presented. He says:--

"The terms upon which the British Government ... are not less favourable than those given to the proprietors of encumbered estates in the mother country. These parties pay for £100 sterling, $6\frac{1}{2}$ per cent. for 22 years, which extinguishes the debt, paying in full principal and interest."¹⁷

This was the liberal proposal of the Home Government. On Mr. Howe's arrival in Nova Scotia, arrangements were entered into for a¹⁸ railway convention¹⁹ of delegates from the three Provinces. The meeting took place at Toronto--and there, in my opinion, the first great error was made--an error which has marred the whole scheme up to this hour. That error lay in agreeing to terms most unfair to Canada, and conceding to New Brunswick advantages unequal and unreasonable in the extreme. (Hear, hear.)²⁰ New Brunswick should have out of the general fund enough to build the European road, as well as the Halifax and Quebec road, and also ... that the road was to go no farther than Quebec or Montreal, unless, indeed, a surplus, not to be expected, should exist after the road to

Quebec was built; and all assistance to other lines was to be cut off.²¹

MR. INSP. GEN. HINCKS, where do you find that?²²

MR. BROWN, in Mr. Howe's public despatch.²³ To show this, I will read the terms of agreement entered into by the convention, as stated by Mr. Howe to the Nova Scotian Government under date 20th July, 1851:--

"Mr. Chandler was empowered to invite the co-operation of his Government upon these terms, it being understood that the Governments of Canada and Nova Scotia were to be bound by them if New Brunswick acquiesced:--That the line from Halifax to Quebec should be made, on the joint account and at the mutual risk of the three Provinces, ten miles of Crown land along the line being vested in a joint commission, and the proceeds appropriated towards the payment of the principal and interest of the sum required. That New Brunswick should construct the Portland line, with the funds advanced by the British Government, at her own risk. That Canada should, at her own risk, complete the line from Quebec to Montreal, it being understood that any saving which could be effected within the limits of the sum which the British Government are prepared to advance, should be appropriated to an extension of the line above Montreal.--That, on the debt contracted on the joint account of the three Provinces being repaid, each should own the line within its own territory.--It was also understood that Canada would withdraw the general guarantee offered for the construction of railways in any direction, and that her resources should be concentrated upon the Main Trunk Line."

Nothing could be more unfair or inexpedient for Canada than such an arrangement. There was no security that the road would be built further west than Quebec, and our Government was pledged to cut off all assistance to other roads than the Main Trunk Line; but Nova Scotia and New Brunswick, were to have the road extended throughout the whole extent of their territories, and to have, in addition, a line to Portland in the United States, in direct opposition to the Canadian road,--in direct frustration of the very object for which the scheme was devised! (Hear, hear.) And yet, the hon. Inspector General agreed to all this--nay, he agreed that we should pay the heavy end of the expense, though so little of the advantage was to accrue to us. Yes, sir, with his usual confidence,--in the Secretary of the Council Chamber--ere the terms of the scheme had been whispered in Canada--before Parliament had been in any way consulted--without even seeking the advice of the members who acted with him in the legislature, or the party of which he was a leader--the hon. gentleman made that²⁴ private²⁵ compact with Mr. Howe and Mr. Chandler, and the document was signed, sealed and delivered²⁶ to Nova Scotia, before the scheme was submitted to Parliament at all.²⁷ And yet, that document pledged the Government to a work of sixteen millions of dollars! The hon. gentlemen [*sic*] felt fully satisfied that his followers would not resist his demand--and he came down last session, just as he has done this, and forced his scheme down their throats, with the threat of resignation, unless it were adopted²⁸, and it was put through at 2 o'clock in the morning.²⁹ And what was the plan which he advanced for such a measure? In moving the house into Committee upon his scheme, on 8th August, 1851, the Inspector-General used the following language:--

"He believed that the experience of other countries warranted the conclusion that the best method of constructing and managing railroads was by placing them under the control of the state. In Belgium the railroads were entirely the property of the State, and their management was unquestionably the best with which he was acquainted, and he therefore proposed to apply this principle to this Province."

Last year, the very best method of building and managing railways was by retaining them in the hands of Government--this year, the very best method is to give them to Mr. Jackson! But, let us read on:--

"The Province could not raise the necessary sum at less than six per cent.;-- and, at that rate, he should hesitate to agree to the Province involving itself in any large undertaking."

Last year he hesitated to build a road at £5,000 per mile at six per cent.-- but this year he does not hesitate at a road costing £10,000 per mile at that high rate of interest! The hon. gentleman proceeded thus:--

"But there was reason to believe that in consequence of most liberal offers on the part of the Imperial Government, we should now be able to raise money on such terms, that there could be no just ground for hesitating to come forward, and assume the responsibility of this great and most important work. * * * * The distance from Hamilton to which place the line from Detroit was now being constructed, to Montreal, was 386 miles, and from the reports of the engineers THERE COULD BE NO DOUBT THAT THE WHOLE MIGHT BE CONSTRUCTED FOR £5000 PER MILE."30

MR. INSP. GEN. HINCKS, on Mr. Keefer's report.31

MR. BROWN, well was there a different report now? Let the House have the other estimate, if there were a different one.32 [The hon. member continued to quote Mr. Hincks:]

"Mr. Keefer's estimate for that portion between Toronto and Kingston was £4500 per mile, and from Kingston to Montreal £5000 per mile. Taking the average £5000 per mile--A VERY SAFE ESTIMATE--the whole would amount to £1,900,000. He did not desire to go too low, and therefore called the estimate from Melbourne to Quebec £6000 for ninety-five miles--£570,000; to which must be added one-third of the line between Quebec and Halifax, which he estimated at £7000, making the whole £3,338,000--or say, in round numbers, £4,000,000."

This was the estimate of last year--£5000 per mile, with money borrowed at 3 or 3½ per cent. On this understanding, and on this alone, the scheme was forced through Parliament and the bill made law. And such a bill! (Hear, hear.) In the Parliamentary records of no country under the sun could such a bill as that be found. It transferred to the Executive all the powers of Parliament in the matter of railways. Route, contracts, construction, terms of payment, raising money--everything was left uncontrolled in the hands of the hon. gentleman and his colleagues. This, Mr. Speaker, closed the second chapter in the strange tale of the Grand Trunk Railway. Parliament rose in August and loud were the rejoicings at the prospect of a railroad at last. But in December, a cloud came over the scene. It was found that a misunderstanding had existed between Earl Grey and Mr. Howe, as to the Portland route, through New Brunswick. His Lordship had never contemplated such a piece of folly as giving six millions to build a road through British territory, and adding another million to establish an American line in direct opposition to it. (Hear, hear.) No one in less haste and excitement than the hon. Inspector-General and Mr. Howe evidently labored under, could have fancied an English gentleman capable of such absurdity. Buoyed up with the success [sic] of their diplomacy at the Toronto Convention, and strengthened in their unreasonable demands, by the belief that the work could not proceed without their consent--the people of New Brunswick, on learning that the Portland road must be struck from the scheme, withdrew from the negotiation:--and so ended the third chapter. But to show that Lord Grey was still willing--nay, anxious that the Canadian road should proceed, let me read from his letter to the Lieutenant Governor of Nova Scotia, dated 9th January, 1852:--

"I have only to add, that I hope the legislature of Nova Scotia will not too hastily abandon as impracticable, the design of executing this great work, with the limited amount of assistance which her Majesty's Government are ready to recommend to Parliament, and which I confidently believe that Parliament would readily grant."

Now, Mr. Speaker, what followed ... New Brunswickers to cool; instead of

giving them time to reflect on their position, on the vast advantage of having 234 miles of railway built through their country on terms so favourable, and the certainty that its construction would, ere long, lead to the completion of their other line--the hon. Inspector General rushed down in hot-haste to New Brunswick, begging and urging them not to be inexorable, but to name their terms, and then he was ready to comply. A more unstatesmanlike transaction was never witnessed. And they did name their terms--a new route by the valley of the St. John, right into the city of St. John, and from thence to Halifax! Such a route had never been contemplated by Earl Grey, by Mr. Howe, or by the Canadian Parliament--but what cared the Inspector General for that! He patched up a new bargain, and posted off with it to Halifax. All the dexterity of the hon. gentleman was brought to beat upon the Nova Scotians: Major Robinson's line was decried, and the St. John line eulogised; but the Blue-noses were not to be cajoled--they, in turn, stood on their dignity, and the new scheme was rejected. And so ended the fourth lesson. What was to be done now? New negotiations were opened--the New Brunswickers were told they must come down. A scheme was at last fallen upon, by which the St. John line was to be adhered to: but Nova Scotia was only to pay 3-12ths of the cost, Canada 4-12ths, and New Brunswick 5-12[t]hs. This was agreed to, and documents once more [were] interchanged by the high contracting parties. Well, sir, the three Provinces had agreed upon a line, but there was no certainty that the Home Government would assent to it. And it is worthy of notice, that this line thus agreed to, without survey, without estimate of the cost, has, as I am assured, been declared by Mr. Jackson to be quite impracticable under a less cost than twenty thousand pounds per mile! A stronger proof of the haste and recklessness by which the hon. Inspector General's proceedings have been characterised, could not be given.³³

MR. INSP. GEN. HINCKS hoped the hon. member for Montreal (Mr. Young), who acted with the hon. member for Kent on this question, would agree to share the responsibility³⁴ [with] his new friend³⁵. Why was the whole responsibility thrown upon him [Mr. H.]?³⁶

MR. J.A. MACDONALD called the Inspector General to order. He assumed a right to interrupt speakers, which belonged to no member of the House--and he was himself the first to complain when any one made interruptions when he was speaking.³⁷

MR. BROWN had no objection to any interruption tending to elucidate the argument. He had no desire that any statement made by him should pass current, even for the moment, if any member could show it to be erroneous. And he did confess he liked to see the Inspector General twist about in his chair, and start up to interrupt as he sometimes did, while he (Mr. Brown) had the honour of addressing the House. It showed that his remarks were pertinent, and had commanded themselves to the good sense of the hon. gentleman. (Laughter.) As to the responsibility of the Inspector General, continued Mr. Brown, which he is so desirous to throw upon other shoulders, in regard to the St. John's line, I hold him to it specially, as the Premier of the Government, and with the additional conviction that no scheme passes from the Executive Council without having his impress upon it. Well, Mr. Speaker, whoever is responsible for its paternity, this route was agreed to, on behalf of Canada, by the Inspector General; and without waiting the consent of Parliament, or ascertaining public opinion upon it, off he started for England, to force it through the Colonial Office. The deputation was to consist of Messrs. Hincks, Howe and Chandler--but Mr. Howe did not proceed. The deputies from Canada and New Brunswick must have arrived in England about the 20th March; but while they were crossing the Atlantic a total change of Administration had been proceeding in England. When they arrived, everything must have been in confusion; the Colonial Secretary had to attend to

his re-election; and all the affairs of the British Colonial Empire had fallen suddenly on his inexperienced shoulders. But this did not prevent negotiations being at once opened with the British American deputies. Explanations ensued; correspondence took place; Sir John Pakington waited for the arrival of Mr. Howe and copies of the Provincial Acts of Parliament authorising the new line, ere bringing the question fully before his colleagues. At this juncture the Inspector General demanded an interview with Lord Derby. He had that interview; and all the evidence that has yet reached us, shows that it was far from unsatisfactory. Mr. Chandler was a party to that interview--he took an impression as to its character and wrote home that impression that very day after the interview. It occurred on the 30th April, and an article appeared in the New Brunswicker, of 15th May, giving an authoritative account of it, which I will now read:--

"By the English mail yesterday, information was provided from the Hon. Mr. Chandler, to the effect that on the 30th April (the day the mail closed) he and the Hon. Mr. Hincks had had an interview with the Right Hon. the Earl of Derby, the Premier, of a very satisfactory character. His Lordship began by stating the advantages of the northern line for the proposed railway, as regards colonization and the fisheries, and also in a military point of view. Mr. Chandler in reply said, that there was a very general objection in New Brunswick to that line, and alluded to the large majorities in the Legislature by which the route by the valley of the St. John had been sustained, and expressed his doubts whether a majority of the Assembly of this Province could be induced to aid any other line. He pressed upon the Earl of Derby the commercial superiority of a line passing through the city of St. John, a great shipping port, possessing a harbour which was never frozen, at the mouth of a great navigable river; and he and Mr. Hincks urged the importance of connecting these colonies together. NO QUESTION WAS RAISED BY THE EARL OF DERBY, AS TO THE GUARANTEE OF FUNDS FOR THE HALIFAX AND QUEBEC RAILWAY: the only difficulty, on his Lordship's part, appearing to arise from the question of route; and at the close of the conference, Earl Derby said, he should wish to hear Mr. Howe on the subject, but in the meantime HE DESIRED IT TO BE UNDERSTOOD, THAT HE DID NOT CONSIDER HIS OBJECTION TO ANY OTHER THAN THE NORTHERN ROUTE TO BE INSUPERABLE. His Lordship asked, if a practicable route by the valley of the St. John, on the eastern side of the river, could be found, would that be objected to? to which Mr. Chandler and Mr. Hincks replied, that if competent engineers should decide that such a route was practicable, it might be done. In addition to the above we may state, that private letters from London say, Mr. Chandler has seen Mr. Hume on the subject of parliamentary aid by guarantee or otherwise, to the Great Trunk Railway; and Mr. Hume has expressed himself favourable to the undertaking, and said that any vote in its aid will not be opposed by him."

Here we have Mr. Chandler's account of the interview--and the Inspector General will not deny its accuracy. But what followed? The very day after this favourable interview, the Hon. Inspector General broke out upon Sir John Pakington with that incomprehensible letter of his which has created so much remark! It was dated on the first of May, and wild as it is, it bears out Mr. Chandler's narration in every essential point. Let me read the first sentence:--

"Sir,--At the interview with which the Hon. Mr. Chandler, of New Brunswick, and myself were yesterday honoured by the Earl of Derby, we were given to understand by his Lordship that he would examine the various papers on the subject of the British American Railway, and that he would see us again after the arrival of Mr. Howe, of Nova Scotia. I left his Lordship in the confident hope that I should receive an early communication of the intentions of Her Majesty's Government, and, although at great inconvenience, I determined to postpone my departure from England until the 22nd instant."

It appears, therefore, that Lord Derby raised no question as to the Imperial

guarantee--that he had no insuperable objection to the northern route--that he merely asked time to peruse the paper and await the arrival of the deputy from Nova Scotia--and that the Inspector General parted from him "in confident hope" of receiving an early answer to his proposal, and postponed his departure in consequence for three weeks. And yet--the very day following, he poured forth the vials of his wrath in that strange epistle! After endeavouring to show that Mr. Howe's presence could not affect the question under consideration, and assuring Sir John Pakington that "it will be quite impossible for Canada to continue the negotiation any longer"--the hon. gentleman breaks out thus:--
"It seems to me far from improbable, that, on some ground or other, this negotiation will prove a failure." Here was a specimen of diplomacy! All as yet had been favourable: some little scruple about the route--but every hope of an adjustment; and yet the hon. gentleman tells the parties he is negotiating with, he is sure they won't grant his demand! He actually broke the ice for them, smoothed the way for a refusal if they so desired to give one. Who, that goes to ask aid from another--acts out with the declaration that he is sure he won't get it? Who, going from America to Europe to ask the fulfilment of a promise, would give up the prestige--the strong advantage of his position by voluntarily suggesting the possibility of a denial? (Hear, hear.) Can it be possible that the hon. gentleman at heart wanted a denial? Was this letter written to produce a disruption of the negotiations? But listen to him a little further:--

"I have reason to believe that I can effect arrangements on the spot with eminent capitalists to construct all the railroads necessary for Canada with our own unaided credit. I have likewise reason to think that the European line from Halifax to the frontier of Maine can be constructed by the unaided credit of Nova Scotia and New Brunswick."

The Inspector General must have sought to break off the negotiations. How else could he have used such boasting words as these? Was not this placing an unanswerable argument for refusal in the mouth of the Imperial Government? (Hear, hear.) If we could do all this with our own credit, why come to England for assistance? On what plea had the whole negotiations proceeded but on the supposition that without Imperial help no Road could be built? Take away that groundwork and what was there to justify an English Government in incurring so great a responsibility? The hon. gentleman must have sought to break off the negotiation. But this is not all--let us read a little further:--

"I must leave this country by the steamer of the 22nd inst., and I cannot possibly effect the arrangements which must be carried out, whether the negotiation with Her Majesty's Government succeeds or fails, in less than a week. I therefore most respectfully request of you, Sir, that you may give me a final answer, by the 15th inst.; and I must add, that if Her Majesty's Government are unable, either from want of time or from the necessity of consulting Parliament, to come to a decision by that period, I must beg it to be understood that Canada withdraws from the present negotiation; and that I shall deem it my duty to enter into arrangements, which, if confirmed, as I believe they will be, by the Government and Legislature, will put it out of the power of the Province to negotiate on the present basis."

Sir, there is no mistaking this language. The day before that on which he wrote these words, he had agreed to wait until the 22nd May--but now the last moment of hope he is graciously pleased to extend to the Imperialists is the 15th! And what caused all this hurry to be off? Was there anything urgent to bring him to Canada? Parliament did not meet for 3 months after--and when it did ... public measure prepared. (Hear, hear.) What occasion then was there for such haste? And mark the vaunting confidence with which he talks of his "other arrangements"--and the magnificent threat that if they don't look sharp, he will cut them off forever--from what? why, from the honour of lending the

Provinces seven millions of sterling money at three per cent! And how came the hon. gentleman to take upon him the declaration that unless Sir John Pakington swallowed his scheme, in just such a manner and just at the moment he pointed out, the people of Canada would withdraw from the negotiation? How dared he to speak in such a style for the people of Canada? The route he urged, the people of Canada had never heard of--it was all his own: the route he rejected, the route of the Imperial Government, was the only one which the people of Canada by their representatives in Parliament, had accepted and authorized. Aye, sir, and that very route,--Major Robinson's route--the hon. gentleman himself now admits to be the only practicable one, and he is once more striving to get it accomplished. (Hear, hear.) (Mr. Brown continued his criticism on Mr. Hincks' letter at some length, contending from the language used that the writer's object must have been to break off the negotiations--and proceeded:) But, Mr. Speaker, we have other evidence besides this letter to the Colonial Secretary, to show that the hon. gentleman was playing one of his artful games in this matter--that while apparently urging the Imperial scheme, he was in fact striving to frustrate it. There is conclusive evidence that ten days before that letter was written, the Inspector General had come to terms with Mr. Jackson for placing the whole work in his hands. (Sensation.) I impeach him with having done so, and with writing this letter to Sir John Pakington, as a part of his compact with Mr. Jackson, for the express purpose of producing a rupture between the Home Government and the British American Provinces. We have the evidence under his own hand. If hon. gentlemen will turn to page 65 of the Railroad Blue book, they will find a letter from the Inspector General to the Railroad Committee, of 15th October, 1852, containing these words:--

"After some interviews with Mr. Jackson, I wrote to Mr. Young, then Commissioner of Public Works, and I think to Mr. Morin also, pointing out the importance of securing, if possible, the construction of our line by the above-named contractors, and asking the sanction of my colleagues to an arrangement which I proposed effecting, under which they would send out competent engineers to survey the line, with a view of estimating and tendering for its construction. I asked authority to agree to pay the preliminary expenses to be incurred, in case it was not deemed advantageous to accept the tender for the work. That authority was promptly given, and as soon as I became convinced that I should not be able to succeed in the object of my mission, owing to the three Provinces being unable to agree to the propositions of the Imperial Government, I again sought an interview with Mr. Jackson."

Hon. gentlemen will perceive he here says, that before closing his contract with Mr. Jackson, he wrote to his colleagues in Canada for their consent, and on receiving that consent he closed with Mr. Jackson. Now, sir, by turning to the official correspondence between the parties, it will be found that the Jackson agreement was closed on the 20th May. The Inspector General could not have written to Canada and received a reply in less than four weeks--we all know that--therefore, he must have made his arrangements with Mr. Jackson, at latest by 20th April--ten days before his letter to the Colonial Secretary. (Hear, hear.) At the date of that letter, the whole thing had been settled in his mind, and it must have been written as a link perfecting the Jackson scheme.³⁸

MR. INSP. GEN. HINCKS asked why Mr. Jackson should not have been employed, even if the Imperial guarantee had been obtained?³⁹

MR. BROWN.--The hon. gentleman cannot escape on that plea. His negotiation with Mr. Jackson was not to carry out the Imperial scheme--but a separate and distinct scheme. All the language employed spoke of it as contingent on the failure of the Imperial guarantee. In the letter to Sir John Pakington, the Inspector General spoke of the Jackson negotiation as one to "construct all

the railroads necessary for Canada with our own unaided credit"--and in his letter to the Railroad Committee he said, he sought Mr. Jackson "owing to the three Provinces being unable to agree to the propositions of the Imperial Government." (Hear, hear.) It is, therefore, utterly insincere of the hon. gentleman to pretend that his negotiation with Mr. Jackson was to do the work after the Imperial money was received. There is no truth in the statement. Sir, he dared not have made any such agreement. Had he received the seven millions sterling in cash to go on with the work--his concluding a bargain with an English speculator, to the exclusion of Canadian enterprise and skill, would have raised a storm about his ears which he knew better than encounter. The hon. gentleman had no such intention. For some reason or other, he favoured a contract with Mr. Jackson, and to clear the way for it, he wrote that letter to the Colonial Secretary. And the letter had the desired effect;--the negotiations were broken off, and the hon. gentleman openly concluded his foregone bargain with Mr. Jackson. All the conditions of that bargain have not yet come to light--but the humiliating position in which it has placed the country and this House since Parliament opened, shows that they must have been of a very potent character. We have been dragged through the mire to accomplish this Jackson job, in a manner most discreditable to our independence. (Hear, hear.) What authority had the Inspector General to make such an agreement with Mr. Jackson or anybody else? why, when his mission failed, did he not return to Canada and advise with Parliament ere pledging the country to a new scheme? But the bargain was completed and the hon. gentleman returned home. A bulletin was prepared on the voyage, and immediately on touching British American soil, it was promulgated through the press. In it we were told that--

"The works in Canada are to be constructed on account of Companies, which have been already incorporated and which are entitled to the benefit of the Railway Act" and that "the tenders of the contractors are to be submitted to two disinterested engineers, one appointed by the Government, the other by the contractors, who are to endeavour to reconcile any differences, and reduce any over-charge, and in case any insurmountable difficulty should arise, then the contractors are to be paid what is deemed reasonable by such engineers, for their plans and estimates, which are to become the property of the companies."

This was the only explanation given of the Jackson contract up to the hour of the assembling of Parliament. Immediately after we met, I moved in this House for ... General, asking for a copy of the agreement entered into by the Inspector General with Mr. Jackson for the completion of the Trunk Line. The hon. gentleman rose when I made the motion, and declared there was no such agreement--and sneered at the idea of his making a contract for the Government. I at once replied that I was glad to hear it; that the Ministerial organ, in referring to the agreement signed by Mr. Chandler, had stated that Mr. Hincks signed a similar document; but that, of course, must have been a mistake, and I would withdraw my motion. The hon. gentleman thereupon rose again, and said he did not wish to be entrapped by the member for Kent--there was no agreement, no bargain; but letters--correspondence was his word--had passed between himself and Mr. Jackson. I moved for that correspondence, and carried my motion; but day after day passed over--week after week slipped by; and though frequently urging the matter on the Provincial Secretary, two months elapsed ere the papers were placed in our hands. And when the papers did come down, we found that notwithstanding his denials, the hon. gentleman had made a bargain--a distinct bargain with Mr. Jackson, and pledged the faith of the Government to carry it out. What faith, Mr. Speaker, can be placed in any Government, if its leader in this House can be guilty of acting so disingenuously in a matter of such moment. But meanwhile the utmost secrecy was maintained as to the conditions on which

Mr. Jackson came to Canada; no explanations could be had, and every endeavour was made to give the impression that the Government was not pledged in any way to him--that he came out of his own free will, on the chance of getting employment, and that Canadian contractors would have an equal opportunity in competing for the contracts. The Railroad Committee was packed by the Inspector General with gentlemen locally or personally interested in a particular route for the Jackson Road, or by gentlemen politically subservient to his interests. When delay was asked to consider the composition of the committee, it was refused on the plea that Mr. Jackson was only to be a day in Quebec, and his evidence must be had now or never. The committee was accordingly forced through, but when the morning came the bird had flown. It appears Mr. Jackson learnt then for the first time that he was to make his contracts with the chartered companies which the Inspector General had proclaimed between Toronto and Montreal--the gentleman was too great a person to contract with anything less than a Colonial Government, and so he went off in a huff. Here was a business! But the Inspector General was not to be so defeated. He called on the two companies to surrender their charters instant--to hand over to him all the control and interest they had acquired, so that he might appease the great Railway Lion. (Hear, hear.) One company consented--the other refused. The Inspector General is a great stickler for "vested rights," but it is only when it suits his purpose. A chartered company, with stock subscribed, route surveyed, and contracts offered, was in existence; but it stood in Mr. Jackson's way, and the Inspector General resolved to sweep it out with one flourish of his pen--or rather of his unscrupulous majority. A new Trunk Line Bill was concocted to sweep away Mr. Holton and Mr. Galt, and establish Mr. Jackson in their room; and the better to avoid suspicion, it was placed in the hands first of the hon. member for Verchères, and next of the hon. member for Montmorenci, to push it quickly through the House. Every effort to obtain explanations was resisted--the rules were constantly sought to be suspended--Government business and all other matters stood aside, to let this Jackson Bill pass through the House at Railroad speed. Nay, sir, the hon. gentleman condescended to an attempt to frighten us from our duty. One day he tried hard to force the Bill through, before the printed papers were an hour in our hands, but the House resented the attempt, and defeated him by plain speech. The following night he came down with a face clad with deepest grief--as long as my arm--and in a sepulchral voice assured the House that we had at last done the business--that Mr. Jackson was disgusted with us, and was about to leave Canada instant. Sir, it was wondrous to observe the grief of the hon. gentleman and his ally, the leader of her Majesty's opposition--(Sir Allan MacNab)--they spoke in words of solemn sadness, which would have been really affecting had it not been for its absurdity. We all knew that the Inspector General had a string round the leg of his London friend, and that, as in the committee matter, he would not stray very far off. But the hon. gentleman, at the same time, gave us the additional information that ere going away, Mr. Jackson had relieved the Government from the contract under which they were bound to him--a contract which they had uniformly denied to have any existence. But the papers were now before us and concealment no longer possible. And what did these documents show to have been the real terms of the Jackson agreement? In the Inspector General's letter to Mr. Jackson of 20th May, he says:--

"I understand that certain parties, including Mr. Peto, Mr. P., Mr. Brassey, Mr. Betts, and yourself, are prepared to construct the above mentioned Railway, estimating their profits in doing so, on the same scale as they have estimated them in their contracts for various lines of Railway in England and on the continent of Europe."

That was the whole ground-work of the agreement. Without survey, without estimate, without specification, without any knowledge of the work done there, or to be done here--the hon. gentleman agreed for us that Mr. Jackson should be paid the same prices for his work in Canada, as he received on the continent of Europe! Can any one member of this House tell even now what those prices were? Can the Inspector General himself tell? Has any one seen the continental roads--examined them--inquired on the spot--so that he can say the example of Spain or Belgium, is a safe guide for Canada? Not one. And yet that was the blind bargain of the acute Inspector General. Sir, there is mystery in this matter yet to be unfolded. By the same letter, it appears, that the hon. gentleman agreed to pay the whole expenses of Mr. Jackson's party to and from Canada, and of the survey and estimates, should the contract not be proceeded with. A very different agreement from that of Mr. Howe with the same parties. In the offer of Messrs. Peto & Co., to that gentleman, of 25th March, 1851, they say: "When the Government have appointed their legitimate engineers, we shall be prepared to send ours and complete, at our own expense, estimates of the whole." How came the Inspector General to concede better terms to these contractors, than they had themselves thus offered to Mr. Howe? And while referring to this letter, I cannot help expressing my astonishment at the repeated declarations of the Inspector General, that we had been the suitors to Jackson & Co., and not they to us, for the construction of the Trunk Line. In the opening paragraph of the letter to Mr. Howe, I find these words: "We wish to make through you, a tender of our services in the formation of these roads." That was their first appearance on the stage--and the position of obligation in which the hon. gentleman would place us to these parties, is as incorrect as it is injurious. Another point is noticeable in this letter to Mr. Howe. We have been again and again reminded that Mr. Jackson never imported labour or material into the countries he patronized--that all his agents and implements were native to the soil. Let me read one sentence to show the other side of the picture:--

"We assume that the skilled labour for constructing North American Railways, the plant, rails, and machinery, must be brought into the Provinces either from England or the United States. Labour being lower here, and capital more abundant, than in the United States, we assume that you will be supplied from hence. We think we may also assume that from the amount of capital at our command, the extent and value of our connexions, the amount of plant at our disposal, and skilled labour, with which we have been accustomed to form large combinations, and execute great works, that we could serve the Province on terms quite as advantageous as any other persons who may be applied to in England. We seek only a legitimate profit upon our capital, and we would much prefer to employ our people within the Queen's dominions, than transport them to the continent to construct public works in foreign States."

This is the declared object of the firm, over the signature of Messrs. Betts & Brassey--and there is so much probability in it, that it puts to flight all the fanciful suggestions of the member for Oxford. And still another point. In their offer to Mr. Howe, Messrs. Jackson and Co. proposed to leave £30,000 in the hands of Government as security for the completion of their contract; in the bargain with Mr. Hincks there is no such condition. Why was the hon. gentleman so anxiously favourable to these contractors, that every point of his bargain was better for them than their own offer. Well, but, says the hon. Inspector General--however ill I may have negotiated, however loose the preliminary condition--I have secured a contract with the first contractors in Europe--for the construction of a road superior to any in America--and the bargain will be closed when the bill before the House becomes law. Well, Mr. Speaker, I take up the bill and search for the evidence in the bargain, and it is nowhere to be

found. The names of the London contractors are not even mentioned in it; the character of the road is not hinted at--it may be the best road or the worst road in Canada so far as the Bill is concerned; and as for the terms, not a word on that score is to be found in its provisions. And who, exclaims the hon. gentleman, ever heard of such things in a railroad charter? True, Mr. Speaker, but whoever heard of such a railroad charter as this? The ordinary mode of establishing such companies is by parties interested in any work meeting together, forming themselves into a Provisional Company, and coming here for a charter, with the bona fide intention of employing contractors by public tender, and proceeding with the work. But in this scheme the Legislature agrees with certain contractors to do the work in a certain way, for a certain sum--and the contractors, after getting the contract are to find the stock-holders! But even of this not a word appears in the bill. A few persons, named by Mr. Jackson, who have never asked to be incorporated, who have never been organized in any way, who have subscribed no stock, and who don't intend holding any--are incorporated as middlemen, as mere nominal stockholders,--and they are to make the contract with Mr. Jackson. In fact he is to make his own nominees, and to float off in England sufficient stock to cover it. (Hear, hear.) If such a bargain was to be made, why did not the bill recite the facts of the case--specify the terms of the contract with Mr. Jackson--appoint commissioners to close the contract, and place the stock on the London Exchange--and provide for the incorporation of the stockholders when the shares were taken up? Why is there so much mystery about the matter? Why are the whole terms on which the road is to be built--and the disposition of six millions of dollars of the public money--left to the discretion of a few gentlemen named by Mr. Jackson? And the details of the bill are as anomalous as the general principle. No such advantages were ever before conferred on any company. The stock is not to be sold openly in the market, but to be divided equally among the nominal proprietors named in the bill, or about £178,000 to each; the stock refused by any one is to be open for acceptance to the others,--so that one party may own it all. And it is well understood that Mr. Jackson's son is to be that one. As the voting goes by the number of shares held--the complete control to be exercised by the contractors over the road will be readily estimated. Then again, the maximum rate of fare is 2d. per mile--far above the rate charged on seven-eighths of the American roads, and four times some of them. (Hear, hear.) The rates of freight are unrestricted--and no check is provided against undue exaction on way-traffic? (Hear, hear.) Again, in all other charters, the Government is authorized to assume possession of the road on six months' notice, at a valuation; but in this, the Government cannot assume for 21 years, and then it must pay the Company 200 per cent. on the cost. (Hear, hear.) In all other charters, the road must be completed ere the Government guarantee is advanced; fifty miles must be built, and then the cost of twenty-five miles is advanced; but in this charter, when £100,000 has been expended--it may be in grading, or land, or iron, or any species of material--£40,000 of the public money is to be forthcoming. In the charter, the advance from the public chest is represented as £3,000 per mile--but from the manner in which it is to be worked, what with exchanges and premiums, the real advance will be £4,350 currency per mile. Nay, we may thank Messrs. Holton and Galt that it is not £3,500 sterling, or £5,075 currency per mile.⁴⁰

MR. INSP. GEN. HINCKS said no such guarantee was ever entertained by the Railroad Committee.⁴¹

MR. BROWN.--Then I am wrongly informed.⁴²

MR. CRAWFORD corroborated the statement of Mr. Hincks.⁴³

MR. BROWN.--Well, my informant must have been mistaken.⁴⁴

MR. J.A. MACDONALD (Kingston) said it was right the hon. member for Kent should understand that when Mr. Jackson first came before the Railway Committee, he declared that he would take £3,500 sterling and nothing less.⁴⁵

MR. BROWN.--Ah!⁴⁶

MR. INSP. GEN. HINCKS.--The member for Kingston is mistaken. Mr. Jackson stated to the Committee what he would contract to complete the road for, and had never agreed to take less.⁴⁷

MR. YOUNG had heard Mr. Jackson say that unless he got £3,500 sterling per mile, he would have nothing to do with the contract.⁴⁸

MR. BROWN.--It would appear then, that my informant was not so very far astray. Now, Mr. Speaker, with all this sacrifice at the Jackson shrine--after giving him privileges we have denied to all the struggling enterprizes in the hands of our own citizens--what security is there that the road will be built? If Messrs. Jackson & Co. cannot sell the stock--it will not proceed. They are not bound by any contract--they are not obligated to take a shilling of the stock. And what security have we that the Road, when built, will be either better or worse than other roads? Has Mr. Jackson the monopoly of efficient energies? Is his wood, or his stone, or his iron any better than other people's? He is not to build it with his own hands--he is to sublet every inch of it; wherein then will it so much excell all other roads? The item of bridging has been named--tubular iron bridges; but cannot anyone else erect them as well as Mr. Jackson? And the hon. member for Brockville says the whole cost of iron bridges from Montreal to Toronto will be but £250,000. Wherein, then, is the superiority of the Jackson roads to consist--that it should be so much more costly than all other roads? (Hear, hear.) Why is not the precise difference between it and other roads condescended upon and explained? And this brings me to the startling fact, that the price to be paid Mr. Jackson by his own nominees, is to be £7,625 sterling per mile, or with exchanges and interest £10,130 currency. All the rest of the affair sinks into comparative unimportance before this. This is the sum agreed upon between the Inspector General and Mr. Jackson--£10,130 currency per mile. Now, Mr. Speaker, can any one tell me how this sum was arrived at? Can any one tell us why it was not 9,130*L.* per mile, or 11,130*L.* per mile? how this particular figure comes to be fixed upon? Has there been any new survey--any new estimate of the cost--any shadow of a calculation to show this to be the value of the work to be executed? I have heard of none such. I have searched the proceedings of the Railroad Committee, but nothing of the kind is to be found. I have listened to the speeches of the advocates of the scheme, and no such argument has fallen from them. On the contrary, sir, every particle of evidence before us goes to show--and in my opinion shows clearly and satisfactorily--that the work can be done for little more than half the money--and that to pay such a sum as the Inspector General proposes giving Mr. Jackson is as outrageous a job as ever was perpetrated. (Hear, hear.) Stronger evidence was never collected on any similar point--and how hon. gentlemen can act willfully in the face of it, I cannot imagine. With the leave of the House I will call attention to a few facts--and first I will cite the hon. Inspector General. On 12th August 1851, the hon. gentleman, in reply to a question from Mr. Robinson, replied as follows:--

"MR. HINCKS stated the extent and cost of the work, as a whole. The distance from Halifax to Quebec was 635 miles, which could be constructed at £7000 currency per mile, amounting to £4,452,000 [*sic*]; the road through New Brunswick--200 miles--at £6,000 per mile, would cost £1,200,000; from Melbourne to Quebec,--95 miles,--at £6,000, would cost £570,000; from Montreal to Hamilton,--380 miles--at £5,000 would cost £1,900,000. Putting the first item in

round numbers, at £4,500,000, the total cost of the line would be £8,170,000 currency; whereas the £7,000,000 sterling to be advanced were equivalent to £8,516,666 currency."

These were the words of the hon. gentleman last year--he estimated the cost of the road from Montreal to Toronto at £5,000 per mile, and now he asks us to pay £10,140 for the very same work. (Hear, hear.)⁴⁹

MR. INSP. GEN. HINCKS.--I spoke entirely from the estimates of the Engineers.⁵⁰

MR. BROWN.--Well, were these estimates wrong? Were Messrs. Keefer and Gzowski incapable of making right estimates? Has the hon. gentleman any different estimates now? Has he evidence to shake the credibility of their testimony? Have their calculations been impugned? Did the promoters of this Jackson job dare to call professional men before the Committee to show a fallacy in all our past calculations--to prove that the work would cost double the supposed amount? No, Mr. Speaker--nothing of the kind was attempted. And, yet, how easily might it have been done if it had been possible? Sir, the whole thing is a shameless job--and I only wonder how any member of this House can uphold it for a moment. (Hear, hear.) The next witness I shall summon is the Hon. Joseph Howe. In his official letter to the Nova Scotia Government, dated the 20th July 1851, this gentleman wrote thus:--

"From the best information which we could obtain in Canada and in the United States--and we gathered the opinions of the chief promoters of the Vermont, Great Western, Portland, and St. Andrew's road--there is every reason to believe, if the Provinces avail themselves of the most modern experience, and of the present low price of iron, that with the money in hand and large contracts to offer, the work need not cost much more than £5000 currency per mile."

But, sir, we have no room left us to doubt. The whole work has been regularly surveyed and estimated. The country is unequalled any where for its level surface, and the abundance and cheapness of the necessary materials. The estimate from Toronto to Kingston, was but £4,425 per mile, and from Kingston to Montreal £5,340. It may be said that the estimate is too little--but if so, why not point out wherein it is so? The measurements are there--the items are all detailed--why not lay the finger on the deficient particulars? Let us admit for the sake of argument, that the bridges were not sufficiently [sic] costly--that the rolling-stock was not extensive enough--that the station-houses were not grand enough; admit all this and it will not affect the case. The difference in the two demands is over five thousand pounds per mile--and had these items been omitted altogether, they could not reach half that sum. The gross difference is nearly seven millions of dollars--and nothing can justify its being sanctioned by this House, but positive tangible proof that Messrs. Gzowski & Keefer know nothing of their business. But, sir, there is strong evidence in support of the estimates of these gentlemen. The Ontario and Simcoe Railway is nearly completed, and deducting the loss in raising money, it will be placed in running order for about £5000 per mile. The Buffalo and Brantford is under contract for £4000 per mile. The Port Hope and Peterboro is estimated at £4000 per mile. The Bytown and Prescott is under contract with a most efficient engineer (Mr. Shanly) for \$4,078 per mile. None of those roads are more easy of construction than the one before us--no road could be more easily constructed. How then can we give £10,130? But this is not all. The Quebec and Richmond route is part of the Trunk Line--and it is well known to be a much more difficult work than from Montreal to Toronto. The Inspector General always estimated that it would cost £1000 per mile more than the other. Well, sir, this road is under contract to Mr. Jackson--it is to be completed

in the very best style--in his own unsurpassable style--and all he is to get for it, is £6,500 sterling or (£2,500 only being Government guarantee) £8,625 currency per mile. (Hear, hear.) Yes, and even at that rate, the contract was so good, that after the deed of agreement was signed, sealed, and delivered, Mr. Jackson consented to strike off an odd fifty thousand pounds--two hundred and fifty thousand dollars--and the deed was accordingly cancelled and a new one drawn up! (Hear, hear.) And yet we are asked to give fifteen hundred pounds more, for a far less costly work! Sir, the thing is too indecent--it is absolute robbery. Why, sir, even Major Robinson's estimate was nothing like this! He was an English Government surveyor, with English notions as to good roads and high prices--but his utmost estimate from Halifax to Quebec was only £8,750 currency. The Inspector General always admitted that this work would cost £2000 per mile more than that from Montreal to Toronto--but far from being less, he now proposes to pay Mr. Jackson £1500 more for the cheap route than Major Robinson estimated for the dear one! (Hear, hear.) The whole thing is really so monstrous that it is difficult to speak calmly of it. And then there is the Great Western Railroad. I am assured that 100 miles on the western section will be completed for £5000 a mile--but the gallant Knight will set me right, if I am misinformed.⁵¹

SIR A. MACNAB said no part of the road would cost so low a sum as that.⁵²

MR. BROWN.--How much will it cost?⁵³

SIR A. MACNAB.--The whole road will cost from £7,500 to £8,000 currency per mile.⁵⁴

MR. BROWN.--And will the hon. gentleman say that it will not be a complete and substantial work?⁵⁵

SIR A. MACNAB said that it would be equal to any road on this Continent.⁵⁶

MR. BROWN.--Now, Mr. Speaker, I ask how we can, in the face of such a fact, give £10,130 to this Mr. Jackson? The Great Western has been built at great disadvantage,--for eighteen years it has hung fire: the preliminary costs have been very heavy: the loss in raising money has been enormous; and yet it will be built in first-rate style for at most £8000 currency per mile. And look at the difference of the difficulties to be overcome. Any one acquainted with the country through which the Great Western passes--who knows the heavy cuttings to be made, the hilly country to be passed over, the numerous station-houses to be built, and the high cost of the land to be purchased, can readily understand how the Great Western would cost greatly more per mile than the Toronto and Montreal. And yet we are called on to give ten thousand dollars per mile more for the latter than the Great Western has cost! How can we entertain such a proposal for a moment? But, Mr. Speaker, there is evidence that goes beyond all this. The Montreal and Kingston section is more costly than the Kingston and Toronto section; and there are now before us specified tenders from competent parties for the former work. J. & S. Chamberlain, who built the Ogdensburgh Railway, a most complete work, offer to build a similar road from Kingston to Montreal for £6,250 currency per mile, and to deposit half a million of dollars as security. (Hear, hear.)--Hayden, Crosby, & Co., of Boston, offer to build it for £6,625 currency per mile, and deposit \$100,000 in security. And Mr. Gould, of Montreal, for himself and others, offers to build it for £6,000 sterling per mile. (Hear, hear.) How can we think of giving £10,130, in the face of these offers? But, sir, it has been said, and repeated over and over again, that the railroads in the United States cost as much as Mr. Jackson is to get. It is not true; but if it were, it would be no argument. In the States, the land is vastly dearer and more difficult to be had; the population

is more dense, and the station-houses much nearer each other; the labour is dearer, the wood is dearer, the iron is vastly dearer. And in the whole range of American roads, where can such a level route be found as that from Montreal to Toronto? We can build railroads greatly cheaper than our neighbours; no just parallel can be established between the two countries. But the statement is quite unfounded. No road in the United States has cost such a sum as Mr. Jackson is to receive. What leads hon. gentlemen astray, is the mode of calculating the cost in the United States. As the trade of a road increases, more accomodation is wanted--extensions and improvements are made; and yearly large sums are outlaid in this way. It is all placed to the cost of the road; and in ten or twenty years it sums up to something like what is to be given to Mr. Jackson for the first cost. (Hear, hear.) There are cases where the iron has been re-laid, and the whole expense added to the first cost. But even with this mode of calculation--the cost in the United States is far under Mr. Jackson. In Massachussetts, there are 1025 miles of railroad, costing \$41,224,078, or \$40,200 a mile--\$400 less than we are asked to give; and yet the country is rugged and difficult in the extreme--the improvements and additions of many years have been added, and the roads themselves are in the most efficient and substantial style. Fifteen railroads in Maine and Vermont, 736 miles long, cost \$27,764,095,--or \$37,723 per mile. Twenty-nine New York railroads, 1893 miles long, cost \$65,646,711--or \$34,679 per mile. Thirty-one roads in New Jersey, Pennsylvania, Maryland and Virginia, 1595 miles long, cost \$61,200,959--or \$38,308 per mile. Eleven roads in South Carolina, Georgia, Alabama and Ohio, 1227 miles long, cost \$21,805,111, or only \$17,771 per mile. (Hear, hear.) The Vicksburg and Brandon cost \$8,333 per mile; the Watertown and Rome, \$11,386; the Montgomery, \$14,616; the Wilmington, \$15,432; and the Attica and Buffalo, \$29,255. These facts I collect from the American Almanac of 1852; and I ask how in the face of them we can sanction the monstrous job proposed to us? But, says the Inspector General--What does it matter to us?--The Government is to advance but £4130 a mile--it is to have a first mortgage on the road--there is no risk to us--let the English stockholders look after themselves. Sir, the morality of such an argument is far from reputable, and ought not to be heard from the lips of the Premier of Canada. But, low as the argument is, it is not sound. The people of England, truly, may subscribe the money and hold the stock, but the people of Canada must pay the dividends. It is clear that if the cost is fourteen millions of dollars instead of seven, the rates of fare and freight must be raised so as to produce four hundred and twenty thousand dollars a year more than would have been necessary, to make the road pay, at the proper cost of construction. This large sum must be drawn from the people of Canada--and it is a most unstatesmanlike proposition to say, that the Government cares not for that, because the public exchequer will not suffer. Sir, I can draw no distinction between the people and the Government--all Governments are made for the benefit of the people--and it is the duty of those in power to guard against the formation of great monopolies by which extensive individual interests may suffer, just as much as to protect the public purse. (Hear, hear.) But, we are told, the cost of stock will not affect the rates of fare--that the road must compete with the lake-boats and with other lines, and the charges cannot be kept up. I do not believe in any such doctrines. The great object of the managers of the road will be to get the dividends of at least six per cent. out of it--every resort will be used to produce such dividends--and no fair complaint can be made against them while the dividends are under legal interest. No one need therefore contend that it makes no difference to those who are to use the road, whether they have to pay the annual interest on seven millions or fourteen millions. Mr. Speaker, we have an immense advantage over the neighbouring States, in competing for the

Western traffic, if we use it right. Our country is singularly level--material is abundant and cheap--land can be had for railway purposes at nominal prices; we can build our roads better and cheaper, and run them at less cost than the American lines, and we will be guilty of the very height of folly if we throw away all our advantages, and, for the purpose of giving a job to Mr. Jackson, commence the race of competition with our rivals, burdened with twice the amount of debt there was any necessity for incurring. Why, sir, look at the effect of it already. In this bill the rate of fare is limited to two cents per mile--while on the Hudson Railway, the charge is but one cent, and the general charge on leading thoroughfares does not exceed two cents. The whole scheme is of the most extravagant and indefensible character. But says some hon. gentleman, what else can we do? We must have this railway--what better can be done? Far better can be done, sir. The offer of the British Government is yet open to us--the Inspector General admits that it is so--and if we are to be guided by the ordinary rules of selfishness or common sense, we will retrace our steps. Nova Scotia is of this opinion, and already has she reopened negotiations on her own responsibility, with the Colonial office, for the road from Halifax to New Brunswick; New Brunswick has arranged with Mr. Jackson, for the line as far west as Miramichi; and the Inspector General has committed the Canadian Government for the route from Quebec to Trois Pistoles, and plainly states his expectation that, by Colonial Office assistance, the road will be immediately undertaken between Trois Pistoles and Miramichi. Now, sir, this is Major Robinson's line--the very line which the Home Government urged us to adopt, and which the Inspector General so indignantly rejected. (Hear, hear.) And if we go back so far as to adopt the route, I ask how we can be so foolish as not to go back at the same time for the money? True, the Inspector General tells us he will not go back to England after the refusal already encountered--he would never submit to such humiliation. And are we, sir, to suffer to the tune of millions to gratify the vanity of the member for Oxford? The hon. gentleman thought it no humiliation to go over and over again to Washington seeking a treaty of reciprocity--he thought it no humiliation to go twice to New Brunswick, and as often to Halifax, to urge his favourite schemes--nay, sir, he thought it no humiliation to hold public meetings to aid his views--and I think he might possibly submit to re-open negotiations with the Cabinet of England, without any great sacrifice of his personal dignity. I cannot understand how any man with a common knowledge of figures, can doubt for one moment the right course to be pursued. The Jackson scheme if it proceeds, will stand thus:--

Trois Postoles [<u>sic</u>] to Quebec, . .	150 miles
Quebec to Richmond,	95 "
Montreal to Hamilton,	386 "
<hr/>	
Total,	631 "

631 miles at £10,130 per mile, will show a gross cost of £6,392,031 [sic]--and the annual interest at six per cent. will be £383,521 currency. But this is not all.⁵⁷

MR. INSP. GEN. HINCKS said his plan only went to Trois Pistoles.⁵⁸

MR. BROWN said, but if part of the road were built, it was plain that it must be continued, or it would be useless upon the hands of the Province.⁵⁹ Nothing but through traffic can maintain a line east of Quebec, and in defence we will be forced to go on to Miramichi, the terminus of the New Brunswick line. From Trois Pistoles to Miramichi, is 261 miles, or at the Jackson price £2,643,930. The total cost of the Jackson road will thus be £9,035,961, and the annual interest at 6 per cent. £542,156. Now, sir, let us contrast this with what we

might effect by the assistance of Great Britain. I am sure that no member of this House will deny, that with cash in hand, we could build a first-rate road from Hamilton to Miramichi, at £7,000 currency per mile. Now 892 miles at £7,000, would give £6,244,000 as the gross cost--the annual interest on which at 3 per cent. would be but £187,320. There would then be saved to the country, by securing the Imperial guarantee, the enormous sum of £354,876 [sic] annually! The case is so obvious, that it appears absurd to argue it, of course this view is as the matter affects the country generally; but even as affecting the public exchequer, the argument is clear. 892 miles at £4,350 per mile (the amount of the guarantee) is £3,880,200--which at six per cent. gives an annual interest of £232,812. We have seen that we can build the whole road, with the help of Great Britain, for an annual interest of £187,320. It follows therefore, that the interest on the Government aid to Mr. Jackson alone, (independent of all the stock) will be £45,492 per annum, greater, than for the whole cost of construction upon Earl Grey's plan! (Hear, hear.) And, again, Earl Grey offered to let us have the money, by paying £6 10s. annually, for every £100, during twenty-two years, when we would be free of principal and interest. By accepting this offer we would have to pay £405,860 a-year for 22 years--which the profits of the road would probably meet--and at the end of that time the road would be the property of the country, and free from debt. But by the Jackson scheme, we are to pay £542,156 annually forever! By adopting this Jackson job, we actually agree to pay £136,296 per annum--and that in perpetuity--more than we need pay under Lord Grey's plan for twenty-two years only. (Hear, hear.) Such incomprehensible folly the world never witnessed until now. But, says some hon. gentleman, this will lose time, and after all some accident may happen to prevent the Imperial aid being obtained, and between the two we may lose both. To this I reply, that there is no occasion to lose any time by my proposition. No field work can now be done this season. Negotiations with the Home Government may be opened at once--and Engineers may be set at work to prepare surveys and estimates, on the understanding that whatever may be the result, all expenses incurred shall be a first charge on the road. When the money is obtained, as I doubt not it would--the contracts can be given out in divisions of 25 miles to local contractors. Not only would there be a large saving in this way on the cost, but the profits accruing from it would remain in the country, and the talents and enterprise of the Province would receive most beneficial encouragement.⁶⁰ While there were plenty of persons in the country capable of building the road no less than 108 contractors having tendered for the Guelph Road, it was unfair to our own people to hand the whole enterprise over to strangers. It was an act which he looked upon as nothing less than madness.⁶¹ Mr. Speaker, I have detained the House too long, and I am grateful for the attention with which I have been heard; but I am deeply impressed with the injury which will be inflicted on our country if this Bill passes. It does appear to me that by adopting it we will throw away an opportunity of advancing our national prosperity which few countries have ever enjoyed. Instead of a cheap but substantial road, built with Canadian hands and in every way beneficial to the country--we are about to build one monstrously dear, with English workmen, imported for the hour; and to subject ourselves for ever to a drain of two millions of dollars per annum as interest for the investment. Sir, I do implore the House to re-consider the matter, and not be led into an act which we will bitterly regret many years hence.⁶²

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Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;

MR. INSP. GEN. HINCKS, in Committee of the Whole, rose, in reply to Mr. Brown, and said, the hon. member for Kent had taken a most inopportune occasion to make a very lengthened speech, on a bill which had not, as yet, come up for consideration; and also to assail his conduct with reference to railroad matters.⁶³ He said that all the correspondence which explained his conduct in England had been long before the House, and might have been discussed at any time.⁶⁴ Moreover, the hon. member complained that he had not replied to attacks before they were made. Now, with respect to that complaint, he would say, that he found it quite work enough to answer the attacks made on himself and his colleagues after they were made, without going out of his way to anticipate them. In reply to the complaint of the hon. member, that the correspondence with Sir J. Pakington was not before the House, he would remind the hon. gentleman that at a very early period of the session, an address to his Excellency asking for that correspondence was passed; that it was sent down in compliance with that address; and that there was no necessity, therefore, for the hon. member to delay his impeachment until the present time. With respect to this subject, he knew perfectly well how easy it is for, hon. gentlemen to find fault with everything that the Government may do, without considering the exclusive difficulty of the position in which the Government is placed; for, despite whatever the member for Kent might say, he believed that no Government was ever placed in a more difficult position than the existing one, on the subject of railroads. It has always been found a most difficult task to conduct important negotiations to a satisfactory conclusion where there are only two Governments concerned; but when it is necessary to consult no less than four Governments, the difficulties were so great that no person could form an idea of them. The member for Kent chose to say, that all the difficulties which had been experienced arose from his (Mr. Hincks') blundering, when Messrs. Howe and Chandler came spontaneously to Canada, to consult with the Government of this Province, respecting the proposition to construct a railroad from Quebec to Halifax. He was a member of the Government at the time that proposition was first brought to his notice, some years ago. The Government conceived that it was a work of very great importance, and calculated to bind the British North American Provinces together; that as it would furnish us with a road on British soil, it was a work of the greatest value, not only to British North American, but also to British interests; and, therefore, that the British Government should lend its aid in the construction of the line. He had concurred with his colleagues in taking that view of the question then, and he had not departed from it since. The proposition was then made to pay £20 000 annually, for twenty years; and to surrender a large quantity of ungranted land in the vicinity of the line of road to the Imperial Government, if it would construct the road at its own risk. The Imperial Government declined to give its assistance on such terms. When the subject was again brought under its consideration by⁶⁵ Mr. Howe bearing the propositions of Earl Grey⁶⁶, it proposed to loan a sum of money at a low rate of interest to the three Provinces, provided they would unite to construct the road at their own risk; and although it stated that the Robinson line must be adopted, it was perfectly clear that it was not wedded to that line, but was disposed to consult the interests of the Provinces. Mr. Howe came out from England as the bearer of that proposition; but he has since admitted that there must have been some misapprehension on the part of Earl Grey's proposition. It might be very handsome and very generous on the part of the member for Kent to throw on him the responsibility of the misapprehension by Mr. Howe.⁶⁷

MR. BROWN did not intend to throw any of that responsibility on the Inspector General, but he held the Inspector General responsible for agreeing to a line of road hostile to the interests of Canada.⁶⁸

MR. INSP. GEN. HINCKS would, then, dismiss that part of the subject. When Mr. Howe came out as the bearer of that proposition, he was very sceptical as to the probability of British Government giving us aid for the construction of any but the one line; and he thought Mr. Howe would do him the justice to confirm that statement. There were other members of the Government who concurred with him in opinion, and who could also confirm what he said. But the despatch was written in that vague manner, that, taken in connection with the positive assurances of a gentleman who was a party to the proposition, others would be induced to believe that it was exactly what Mr. Howe declared it to be.⁶⁹ He could not doubt the assertion of a gentleman, a party to the arrangement, as to its meaning.⁷⁰ Then, what was the position in which the Government was placed? Major Robinson's estimate was for £5,000,000 sterling; Mr. Howe said that it was intended to give the guarantee to the European line, and that a sum of £2,000,000 sterling over and above the £5,000,000 estimated for by Major Robinson would be given for the continuation of the line westward. It is all very well to say now, that the Government should have agreed to this or to that proposition. That negotiation was like all others where different parties are concerned; and the member for Kent had no right to assume that the Government of this Province did not do the best in its power for the interests of Canada; or that, after the negotiations were concluded, better terms might have been obtained.⁷¹ The question was, was it better the whole negotiation should go off rather than to allow New Brunswick to get a little greater advantages [*sic*], than was absolutely necessary for the joint scheme. The assent of that province to the general plan was dependant on getting the other or European road; and Canada had no right, whatever, to object to New Brunswick getting that assistance.⁷² He felt no hesitation in saying that the conviction had forced itself on his mind, that when Mr. Chandler was in Canada, taking into consideration the position of New Brunswick and the actual condition of her population, it would have been impossible for any minister in that Province to enter into any negotiation which was not based on the popular scheme of carrying the Railroad from the boundary of Nova Scotia to the city of St. John, and thence to the boundary of the State of Maine! That was the favourite line of road in New Brunswick, and the line which her population especially desired to see constructed. In fact, any person who had studied the position of the Province must know that it was perfectly idle to attempt any negotiation until that line was completed. Then the question is, what right had Canada to interfere? Canada certainly had an interest in the construction of the Halifax and Quebec road; and had shown its willingness to give considerable aid towards it. If, in accordance with the principles on which that negotiation was based, Canada had succeeded in obtaining a million sterling to extend the road to the westward from Quebec, he would have thought it was a good operation; and he would say, further, that he never would have consented to undertake the Halifax and Quebec line, unless the Imperial Government rendered some assistance towards the line to the west of Quebec. That was the view he held on that subject; but he could not have gone the length of the member for Kingston, who would have opposed the Halifax and Quebec line, if the road from Quebec to Hamilton were not also gone on with. He thought that the member for Kingston would risk too much by that policy. He trusted and believed that if Great Britain would advance the £5,000,000 estimated for by Major Robinson some portion of it might be saved after making the road between Halifax and Quebec, and that if they would advance another £1,000,000 to aid in carrying the line westward, very material advantages would be gained, even taking Mr. Jackson's scale of prices. Here, he would remark that he was always of opinion that the prices which the contractors are to get on the Main Trunk Line may very fairly be called high prices; it is on record that before the meeting of Parliament, he, together with his colleagues of the Railroad commission had given the opinion that the

prices on the Quebec and Richmond road were very high; he wished to say that on the scale of prices charged by Mr. Jackson, £500,000 would be sufficient to construct the road from Quebec to Richmond; that there would then be £500,000 still remaining which would help materially in the construction of the line westward. He must therefore deny that under the circumstances, the arrangement was an improvident one. It was arrived at after the most mature consideration with the gentlemen of the lower provinces; and, if it could have been carried out, would have been highly advantageous to the interests of the country. He could not help feeling that, since that negotiation was broken off, an attempt had been made to make it appear that he had a personal interest in the arrangement made with Mr. Jackson, an assertion which was as destitute of truth as anything could be.⁷³ In all his acts, not only were the whole cabinet responsible with himself, but they met the approval of the hon. member for Montreal, who now ... [acted] with Mr. Brown⁷⁴, and [were] for the best interest of the country. The position of New Brunswick at the time should be taken into consideration; she did not desire to construct Major Robinson's line of road; Nova Scotia desired to see that line constructed; Canada was not particularly unfavourable to it; certainly Canada had no other line in that direction to which she was tied, consequently the position of affairs was this: Nova Scotia and Canada, were willing to join for the purpose of constructing that road; but the New Brunswick Legislature almost unanimously determined that they would have nothing to do with it. Why? because being a province with only two hundred thousand people, they feared that they would be unable to construct a road which they were peculiarly anxious to have, unless it was included in this scheme. The member for Kent had dwelt at great length on the propriety of the public being consulted on their scheme before it was passed through Parliament; now, he knew that the hon. gentleman and himself differed as widely as possible on this subject. The hon. gentleman thought it was necessary to consult the public on every great question; that is to say: to consult eight or ten newspaper editors throughout the Province. Well, he had conversations enough with the hon. member, when he filled the position of Government organ, and the hon. gentleman must know that he had repeatedly told him that he would not consent to hold office on these terms. He would always bring down a public measure to Parliament on his own responsibility, and take the expression of opinion in Parliament, as being an expression of public opinion, of the opinion of the country; it was not the editors of newspapers that he would appeal to; but to the representatives of the people, in the only true and constitutional way in which a Government could obtain the true state of public opinion. Then, the hon. gentleman said that the Government could carry a measure because they had staked their political existence—he should like to know in what other way the Government could carry a measure. It must always be supposed that the measure deserved the support of hon. members, or else it would not be obtained. He did not mean to say that a Government may not, at times, carry a measure by the weight of their influence, just as an individual member of the House may have sufficient influence to succeed in passing a particular measure.⁷⁵ Even in Parliament members must sometimes submit their individual opinions, to those of ministers, and ministers had to submit in the same way to one another. This scheme was brought down like any other and approved by Parliament.⁷⁶ The hon. member had dwelt at a great length on the fact that formerly he had advocated the construction of the road by the State, and now he proposed that it should be constructed by private companies; but that the hon. gentleman ought to recollect that when he advocated the construction of the road by the Government, he always pointed out the fact that the money could be obtained at a lower rate of interest by the Government than by any company, and as the hon. member for Lincoln knew, he had always said that he would be glad to see the road constructed by private companies, but⁷⁷ he preferred the course he then approved rather than of lending the money so

borrowed to companies to pay a higher rate of interest.⁷⁸ He did not think it expedient for the Government to assume the responsibility of borrowing such a large sum of money, and then to loan it out to private parties. The hon. member had also endeavoured to throw a great deal of responsibility on him on account of the absence of Mr. Howe when he was in England; now, he was prepared to say, that he would not admit that the presence of Mr. Howe in England would make one iota of difference. Mr. Howe had agreed to go to England; and that gentleman and Mr. Chandler were to sail on the very day that he (Mr. H.) sailed. He went to Halifax precisely at the appointed time, and found that Mr. Chandler was not able to start immediately, but he followed very shortly after. Mr. Howe did not go, but wrote by several packets that he would positively start by the next; thus keeping Mr. Chandler and himself in constant expectation of his arrival. In fact, when he made the arrangement for an interview with Earl Derby the day was fixed with the express understanding that Mr. Howe would be present, and his lordship was given to understand that before that day arrived, Mr. Howe would have landed in England. Mr. Howe, however, did not appear⁷⁹. It was said by some that Mr. Howe stayed away on purpose to frustrate the St. John's Valley route⁸⁰ and that, although he had agreed to take the line by the valley of the St. John, his departure from Nova Scotia was prevented solely by the desire to defeat it. Well, all he could say was, that he would very much regret for Mr. Howe's sake that anything of the kind could be substantiated. To suppose that a member of the Government of Nova Scotia would pledge the Government of his Province to that line, get the assent of his Parliament to it, and then secretly attempt to frustrate that scheme, would be to argue a degree of baseness that he could not attribute to any one; much less would he believe that Mr. Howe would be guilty of it. This he could say: Mr. Howe wrote to him a letter which he placed in the hands of Sir J. Pakington, in which the strongest confidence in him (Mr. Hincks) ... in Mr. Chandler⁸¹ [and] in that St. John's route⁸² was expressed; and although Mr. Howe was not present, yet he did everything in his power to facilitate their negotiations. Now, the member for Kent had dwelt at considerable length on his (Mr. Hincks') proceedings while in England, and had charged him, as he had already done in the newspapers--⁸³

MR. BROWN objected to that. He had made no charges against the Inspector General in the newspapers.⁸⁴

MR. INSP. GEN. HINCKS would then admit that the member for Kent had not done it; but there is a newspaper called the Globe, published in Toronto, which he would also suppose that the hon. gentleman never saw, nor read, which charged him with⁸⁵ most improper motives⁸⁶ [and] the grossest misconduct while in England. If he had taken very little trouble to defend himself against those charges, it was because he felt convinced that that paper had not had sufficient weight with the public to render it probable that an impeachment, or a vote of want of confidence, would be sustained against him. He certainly was not to blame if this question was not brought before the House at an earlier date; but as it had at length come up, he would take the opportunity of answering some of those charges. A great deal had been said relative to his interview with Earl Derby and its consequences; but it should be recollected that he had sought that interview as a sort of last resource; he did not even know whether his lordship would honour him with an interview, for the Colonial Office was the official source of communication; and on arriving in London, he had of course put himself in communication with that office, had had several interviews with Sir J. Pakington, and had communicated with him in writing. The interview with Lord Derby was obtained; and it was then said that he had not given his lordship twenty-four hours to consider the proposition; but would any person say that Lord Derby was ignorant of⁸⁷ all that had taken place

while he was in England⁸⁸ until that interview took place? It would be a most extraordinary assumption. Of course when he sailed for England he had no idea that Earl Grey's administration would have been compelled to resign office. He thought that he would have met Earl Grey in the Colonial Office, fully prepared to meet the deputation from the three Provinces, according to arrangement. However, he went into the subject at length with Sir J. Pakington; and subsequently wrote⁸⁹ again⁹⁰ to the Assistant Secretary, informing him that he would be obliged to leave England on the 15th April, and asking for an answer before that time. In reply, the Assistant Secretary wrote him to the effect that he was instructed by Sir J. Pakington to say that an answer would be given before the time when he thought it would be necessary to leave England. That was a considerable time before he actually did leave; but he got no answer. Certainly Mr. Howe's presence was not necessary to induce the Imperial Cabinet to adopt the line through the valley of St. John; he was convinced that Mr. Howe could have had no power to influence Lord Derby in that respect. He was convinced that nothing could induce his lordship to adopt that line; but it was said that he had been influenced in his decision on that important question, affecting three provinces, by the letter, the impertinent letter as it had been called--he would allow hon. gentlemen to call it what they chose--which he (Mr. H.) had written! Was it to be supposed that that letter would induce the Imperial Cabinet to come to a decision on that question, adverse to the interests of Nova Scotia, which was unrepresented in London, adverse to the interests of New Brunswick, which could not be held blameable for it, and adverse to British interests? He could not believe that any feeling of the kind was allowed to enter into the consideration of the question, and he had the satisfaction of knowing that notwithstanding all that had taken place, notwithstanding the discussion in the Imperial Parliament, Sir J. Pakington entertained no such feelings towards him, as were imputed by the members for Kent and Montmorenci; and he must say that he never had spoken of that distinguished gentleman, in public or in private, except in terms of the highest respect; he had never complained of any want of courtesy towards him, nor could he do so with any kind of justice; but what he did complain of⁹¹, as a public man⁹², and he was willing to submit to the judgment of the people of Canada whether it was not a just ground of complaint, was, that on a question of this great importance, communications made to the Imperial Government by provincialists were kept back from him. Gentlemen talked of H.B. Willson, but if they would read the Blue Book, which had just come out, they would find the names of other persons entirely unconnected with the Government, who did not hesitate to pledge the Province of Canada and New Brunswick with their revenues to schemes altogether different to those which the deputation had been directed to negotiate. Amongst these documents contained in the Blue Book, he found one from a Mr. Sharp, agent for the St. Andrew's Railway, pledging Canada and New Brunswick to his scheme; and yet he, a member of the Executive Government of this Province had not even a hint of that document. He would say boldly that he had a right to see all those documents, and in this opinion he was sustained by some of the most eminent men in England. Perhaps that view of the case did not strike Sir J. Pakington; but he would ask if it was a fair position to place him in, when he went home on behalf of this Province to carry out a particular scheme, to allow Mr. H.B. Willson to go behind him and make statements to damage that scheme⁹³, and then get Mr. Cobden to move for these papers in Parliament without these papers being communicated to him⁹⁴? In the Blue Book he found documents⁹⁵ going before the people of England uncontradicted⁹⁶, written by Messrs. Sharp, H.B. Willson, Gillespie, and Thos. Wilson--who is pretty well known in this country as a writer in the newspapers--persons of whom he had not even heard while in

London--for the purpose of prejudicing the action of the Government; now, he did not think it was fair to the Canadian Government to keep him in ignorance of those documents and he thought that would be the opinion of the Canadian public. That was the only ground on which he had complained. He was kept in the dark, and not allowed to know to what extent those communications had gone. Some of them he had been made acquainted with; but of others he knew nothing until this book came out in Canada. The member for Kent had taunted him with wishing to prevent the Imperial Government from laying the scheme before the Imperial Parliament. But he could scarcely suppose that the hon. gentleman was in earnest. Did the hon. member suppose that it could be carried out if it were not laid before, and if it did not obtain the assent of the Imperial Parliament? He certainly had not urged the Government to lay the matter at once--before Parliament, but what he did expect was that the Government would come to a decision with respect to the proposition; for he must tell the member for Kent that the Government in England is not in the habit of running round to obtain the views of members, before submitting a proposition to Parliament. It comes to a decision on the information within its power; and then submits its proposition for the approval of Parliament. The fact of the matter was that an opposition had been got up in Parliament to this measure, and that the Government, not choosing to face the opposition, gave a pledge that it would not be taken up during that session; and it was perfectly understood, before any communication was made to Mr. Chandler or to him, that the scheme they went home to advocate would not receive the assent of the Government. Hon. gentlemen would, of course, understand that there are means of obtaining information by which they became acquainted with the fact.⁹⁷ He denied that he had agreed with Mr. Jackson before he had finished the negotiation with Lord Derby.⁹⁸ Now, with Messrs. Peto, Brassey & Co., his colleagues knew very well that, when he wrote to them and proposed that they should construct railroads in Canada, it was done without any reference to the arrangement which was afterwards effected, and without knowing whether the Imperial guarantee could be obtained or not. It was understood, when the subject of the Imperial guarantee was under discussion, that part of the terms would be that the work should be constructed under the superintendence of engineers having the confidence of the Imperial Government. There is⁹⁹ a strong prejudice¹⁰⁰ prevailing among the members of the Government of England and the capitalists of England, and he confessed he participated in it to some extent--the best proof of the correctness of the idea are the results on the stock exchange--that railroads are made best by¹⁰¹ English Engineers and¹⁰² English contractors, and that English railroads are better than American railroads. That opinion prevails among those people in England who take an interest in railroads, to a very considerable extent; but he had not relied on his own judgment solely, as to what was best to be done, but consulted every Canadian of influence whom he met with in London, and he could say unhesitatingly and distinctly that he never heard a second opinion.¹⁰³ The test of his veracity was to be found in the fact that he had communicated everything to Mr. Chandler, and also to several leading¹⁰⁴ merchants of Canada, whom he met there¹⁰⁵, among whom he might mention Mr. Stayner, a man of large property and intelligence.¹⁰⁶ There was nothing secret about the transaction. He always took the best advice he could procure, from gentlemen of every shade of politics. He could not help feeling it a marked contrast between the treatment which he and Mr. Chandler respectively met with, on their return to Canada and New Brunswick; yet, he had no hesitation in saying that the arrangements made for the Canada roads are infinitely superior to those which had been made for New Brunswick. Let any one examine the arrangements and he had no doubt as to the verdict. But his colleague (Mr. Chandler)

came out from England--announced the result of the negotiations,--no imputation was made against his character--in a few days a special session of the legislature was called, and so harmonious was the working of that body that the Governor's Speech had scarcely arrived here before Mr. Chandler informed him by telegraph that the railway bill had passed through the legislature, and that it had already been prorogued. By the terms of that bill, New Brunswick gave £6500 a mile; they are to provide all the land both for the stations and the right of way, and New Brunswick has agreed to take stock to one half the amount. He knew that there would be wide differences of opinion relative to the course which would be pursued when placed in very difficult positions; but he would depend confidently on the judgment of the people of Canada on his conduct. He was placed in this difficult position; he was deputed to go home to carry out a scheme which was strongly objected to by certain parties in Upper Canada; when it failed, was he to return to Canada and negotiate on the basis of Major Robinson's line with the other Provinces, with the knowledge that the negotiation would fail; or was he to abandon the hope of doing anything at all? However, hon. gentlemen may talk now of the means in the country for constructing railroads since certain gentlemen in Montreal have spoken of the facilities in their possession; but when he went to England there was a strong opinion prevailing in this country that it would be a very difficult thing to construct the necessary lines of road; and he would say, that within the last twelve months, hon. gentlemen have wonderfully changed their minds. Now they think nothing of undertaking schemes, costing immense sums of money, which twelve months ago they would have considered totally impracticable. Acting on the knowledge which he had of the state of public feeling when he left this country, he thought that if he could succeed in inducing gentlemen to come out to this country, and build railroads with their own money, at their own expense, superior to any railroads on this continent, the arrangement would be looked on with the utmost satisfaction; but the circumstances which followed proved the truth of the old saying: when an object is considered almost unattainable it is very much desired; but when it is almost within our grasp it is undervalued. He did not think at that time¹⁰⁷, nor had he changed his mind, now, for he thought people too sanguine¹⁰⁸, that he would be justified in returning to this country without attempting something, without taking some step to accomplish the object of his mission; and leaving everything open to fresh negotiations when he had the concurrent testimony of Mr. Chandler that New Brunswick would not enter into any fresh negotiations, and that she would construct her railroads with her own resources, without any reference to the Halifax line. When these lines of road are constructed he thought it would be possible to obtain the assistance of the British Government to construct the road on Major Robinson's line. Of course it will be a great triumph to Earl Derby, who is sincerely desirous of seeing that road constructed; to see the Provinces ready to undertake it; and if he is shown that they have made the road to Trois Pistoles and Miramichi with their own resources, he felt confident that the Imperial Government would come forward and lend its assistance to make the connecting line. The Government proposition, therefore, was to allow a private company to undertake the work to Trois Pistoles, calculating upon Imperial aid to carry it out to Miramichi; but what was the counter proposition? A total abandonment of the whole scheme and calculation on a most improbable contingency--that New Brunswick will consent to enter into new negotiations. He had never said however that there was any certainty that Great Britain would advance the money; he had merely argued that it was probable.¹⁰⁹ But the Imperial Government would give no money unless the first expenditure were made on the line between Halifax and Quebec. The hon. member then replied to the statement that the road was to cost the province

£10,000 saying that the cost, except the guarantee, would fall on those who became proprietors of the road.¹¹⁰ An argument upon which the member for Kent placed much stress was, that the arrangement made with Mr. Jackson would be detrimental to the interests of the people of Canada, as the expensive character of the road must necessarily cause the company to draw largely on the pockets of the travelling community; well, he believed that the rules which apply to all kinds of business would also apply to this; and it was most unfair in the hon. gentleman to speak about the high rates of fare which the company would be at liberty to charge, for it is well known that there is no restriction on the rates chargeable by some companies in the United States. The hon. gentleman appeared to suppose that because the company will be authorized to charge 2d. per mile, that, therefore they will charge the full amount; but the House must know that the company will be governed by the competition that they encounter, and that they cannot charge extraordinary rates if they wish to do any business. He had on a former occasion pointed out some of the lines that they will have to compete with, and in view of the fact that there will be such a competition it was utterly idle to talk of this company as though they would enjoy a monopoly of the traffic, and were at liberty to impose any rates they pleased. The company must, of course, depend on the amount of their business for existence. If they are going to run small trains, it is clear that they cannot exist running in competition with the American lines, and running along side our lakes and rivers. The argument advanced by the company in favour of constructing a road of this expensive character is this: the working expenses will be so much less than on the ordinary roads of this continent, and the wear and tear will be so much less, that they will be able to compete on terms of equality with roads more cheaply constructed, but on which the expenses of repairs will be much higher. It is a mere question between practical men as to the best means of attaining the same end; and therefore it was scarcely fair to turn round and complain of the first cost of the road as being two [sic] high. The members [sic] for Kent talked a great deal about the specifications of the Main Trunk Line, as though they should be included in the bill, but when the gallant knight from Hamilton introduced his bill incorporating the Great Western Railroad Company the specifications were not asked for; when the St. Lawrence and Atlantic Railroad bill was before the House the specifications were not asked for. The hon. gentleman would wish to depart from the general rule in this one instance; but for what object? He could only say that the parties who are going to make this road, affirm that it will be equal to any in England, and superior to any on the continent of America. If they fail to do so, if the specifications are not carried out, then it is not to be supposed for one moment that they will obtain the guarantee which the bill authorizes. (Hear, hear.) As to the amount of that guarantee it was clear that its amount would not in any way affect the cost of the road. It is probable that the company may not want it at all. It was at least just as probable that they would take a great deal less than £3000 a mile, as that they would take that amount.¹¹¹ He appealed to the hon. member for Brockville whether from the first it was not determined that the contractors should not have more than £3000 per mile.¹¹² On the Quebec and Richmond road they were content with the guarantee to the extent of £2500 instead of £3250 which they might have asked for. With respect to the resolutions before the committee they were part and parcel of a scheme which the province had long had in contemplation, which has been sanctioned by Parliament, and which all conceive to be a desirable object. If that scheme is carried into effect¹¹³ [it] would furnish a most important trade in the pork and flour from the west¹¹⁴ [and] a most important trade may be opened with the lumbering districts near the head of the St. John. The provisions now consumed there are taken down from the Western States through the Erie Canal, and then are transported from

New York by a circuitous route to the lumbering establishments; whereas, if proper means of communication existed, such as this railroad would afford that trade could be carried on directly by Canada; even as it is, with the very bad means of communication which now exist, a very considerable business is done. In fact on the south shore of the St. Lawrence, there is as fine a grazing country as any on the continent, and judging from the appearance of the buildings there is no part of Upper Canada which for any great extent exhibits an equal degree of comfort in the population; it becomes a desideratum to afford these people a means of export for their surplus produce, and this railroad was the best means that could be desired. Fortunately this measure was not surrounded by difficulties similar to those which had surrounded the Main Trunk Line¹¹⁵, introduced ... [by] the hon. member for Verchères¹¹⁶. With respect to that measure he had the satisfaction to state that the difficulties which had existed between the rival companies were entirely removed; and that the Government had got the consent of the rival company to the repeal of their charter, on certain conditions. These conditions are very simple; that Messrs. Galt, Holton and McPherson shall be corporators of the Company, and that Messrs. Galt and Holton shall be named directors to the company.¹¹⁷ The preliminary expenses were also to be paid, and all the companies whose lines formed the main trunk to be incorporated together, with the consent of the whole.¹¹⁸

MR. CAUCHON enquired whether Messrs. Galt and Holton were not to be two of the nine Directors named by the Government?¹¹⁹

MR. INSP. GEN. HINCKS replied that that was the case. With regard to that subject all he could say was, that when these gentlemen were in a position of hostility to the measure of the member for Verchères, it was impossible to include them among the corporators; there were no two gentlemen in the Province whom he would rather see in the position of directors than these two, and it was with considerable pain that he found himself placed in a position of antagonism towards them. They have now consented to come forward and take a considerable amount of stock; all their preliminary expenses will be of course refunded to them, and all these various Companies, the Portland, the Richmond, and the Trunk Line will be incorporated with the consent of ... the various parties.¹²⁰

SIR A. MACNAB understood that the stock of the Portland road was down to $4\frac{1}{2}$ per cent. discount.¹²¹

MR. INSP. GEN. HINCKS said that the gallant knight was correct. If the other Companies objected to a junction with the Portland Company under such circumstances, it could not be effected, that was clear.¹²²

MR. YOUNG said that the hon. member for Kent had ridiculed the line, through the Valley of the St. John, and stated that it would cost \$40 000 per mile, but¹²³ [he] was quite in error as to the cost¹²⁴. If he examined the Journals, he would find, that Mr. Wilkinson¹²⁵ [OR] M. Jefferson¹²⁶, an eminent Engineer of New Brunswick¹²⁷ who knew the line throughout¹²⁸, had differed with Major Robinson, as to the practicability of constructing a road by the Valley of the St. John. The hon. Inspector General and he, met Mr. Wilkinson last winter at Fredericton, and found him strong in the conviction, that the route by the St. John, was the best and shortest to Halifax--and instead of giving Canada one sea port at a distance from Quebec of 635 miles--it gave Canada an excellent sea port at St. John, besides Halifax, open throughout the year, at a distance of 375 miles from Trois Pistoles on the St. Lawrence. He concurred in what had been said by the Inspector General--it was no matter which was the best route, New Brunswick would not have consented last winter to any other route--and as the success of any negotiation depended on the whole

of the Provinces agreeing on a line, it was important to choose that line, on which it was probable there would be an agreement. It was with the greatest difficulty [that] Nova Scotia would consent to the St. John line, but she did agree; and he desired to bear his full share of blame, if blame there was, which attached to the negotiation with New Brunswick and Nova Scotia. The Inspector General proceeded to England, and failed in an attempt to obtain Imperial aid to raise the necessary funds to construct the road. The Inspector General obtained authority from his colleagues to make an arrangement with contractors, to come to this country, survey the proposed railroad--and to tender for the same; and failing to obtain the contract, their expenses for surveys, &c., were to be paid. He (Mr. Young) never understood that a positive agreement was made with these contractors--on the contrary, after the return of the Inspector General, the Quebec and Richmond Company treated with these contractors, independent of the Government--and it was determined to declare by Proclamation, that the charters of the Kingston and Montreal, and Kingston and Toronto Companies were in force. This was done with the view that these Companies, should treat with Messrs. Jackson & Co. He approved of all the Inspector General had done in getting these contractors to tender for the work, but subsequent proceedings showed him, that he and the Inspector General differed widely, as to the course that should be pursued. From the first moment, when the subject was brought before the Railway Committee, he differed with the view of the Inspector General. The scheme as it stood was incomplete in almost every respect. He had before alluded to the details of the bill--but he had other objections. He was much in favour that Canada should be connected by railroad with Nova Scotia and New Brunswick, and if money could be obtained at 3 per cent. to build the whole road from Hamilton to the New Brunswick line--he was ready to go by any route to the Lower Provinces. He believed that a line would be built from Trois Pistoles to the Grand Falls in the St. John. An Upper Canada Schooner or Propeller, could go from any Upper Lake port to Trois Pistoles, discharging her cargo there, and by railroad to Grand Falls, the flour, provisions, &c., of Western Canada, could be delivered [sic] in the Valley of the St. John, cheaper than by any other route. At present all this produce is carried across the lakes to Oswego--and after passing through American canals, the distributions to the Lower Provinces are made from Boston and New York, while it can be done cheaper by the St. Lawrence. He was also in favour of this road to the Lower Provinces in a national point of view. He was convinced, that if British institutions were to be preserved on this continent, it was by uniting together in one government for general purposes, the whole of the Lower Provinces. If Newfoundland, Prince Edward Island, Nova Scotia--New Brunswick and Canada were united, a vast saving could be effected in the system of government--and this could not be done, without greater facility of communication. The country below Quebec was not understood by the people of Upper Canada--it was a much finer country than was generally supposed. He believed the money to build the whole road could be obtained, and no time would be lost in making the attempt--he deprecated the policy of handing over to foreigners, our great public line of railroad, without the possibility of the Province getting control over it. He believed that the money to construct this road could be got at 3 per cent., and this work in conjunction with our canals, could be made to yield a large revenue, and to lessen duties on imports by the St. Lawrence, which was the true policy of Canada.¹²⁹ He concluded by moving the following resolutions.

[1.] That it is expedient to repeal so much of the Railway guarantee Act, 12 Vict. chap. 29, as relates to the aid to be given to the proposed Railway between Quebec and Halifax, and instead thereof, to provide that the guarantee of the Province may be given to any Company which shall be formed for the

construction of a Railway from Quebec to Trois Pistoles.

[2.] That it is expedient to provide for the incorporation of a Company to construct such Railway, whenever a sufficient number of persons shall express their willingness to construct the same.

[3.] That it is expedient to provide that if such Company shall extend the said Railway from Trois Pistoles to the Eastern limits of the Province, a tract of one million acres may be granted to the Company.¹³⁰

MR. MERRITT understood the member for Kent to say that it would be better for the Government to get the Imperial guarantee at three per cent. and allow the Government to build the road rather than to put it under the control of private companies; but there he differed with the hon. member; he would not consent to the Government building the road, even if the Imperial guarantee could be obtained at one per cent., as experience had fully shown that no Government could contract public works with any degree of economy. For that reason he thought that the Inspector General was entitled to very great credit for adapting himself to circumstances when the negotiation with which he was charged failed, and more particularly as he was so successful as to make an arrangement by which our Railroads will be built for £3000 a mile. He was aware that a very great monopoly was being formed in this country, but he had made up his mind to support these resolutions, as they afforded the means of carrying out a most important work; and he saw no reason for fear, provided that the great highways formed by nature had a fair chance of competing with it. What he did fear was, that a Government might be found silly enough to encourage these railroads at the expense of our water communication. In concluding he urged the importance of applying to the Imperial Government for that assistance which it was pledged to give towards the completion of the communications with the lower provinces.¹³¹

MESSRS. CAUCHON and TESSIER, while they supported the resolutions, contended that the road ought to go to Halifax, and that the Government ought to aid the North Shore Road.¹³²

MR. SOL. GEN. CHAUVEAU replied¹³³.

MR. STUART contended that the population on the north shore between Quebec and Montreal was deeply interested in this matter of railroads, and though he did not oppose the resolutions, he would take an early opportunity of taking the opinion of the House whether they had not rights equal to the inhabitants of the rest of the Province. He was in favour of the Richmond road, but also thought the North Shore ought to be considered as the Main Trunk Line.¹³⁴

MR. CAUCHON again spoke, but was called to order.¹³⁵

MR. LEBLANC addressed the House, but in a tone that was quite inaudible.¹³⁶

MR. CARTIER contended that it was well understood last year, that the Richmond and Quebec Railroad was to form part of the Trunk Line.¹³⁷

MR. TESSIER held that the route was not settled at all, but left to the Government, while the Richmond road was to get it, not as part of the Main Trunk, but to balance the Toronto and Huron Railway.¹³⁸

The resolutions were then carried¹³⁹.

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to repeal so much of the Railway Guarantee Act 12 Vic. cap 29, as relates to the Aid to be given to the proposed Railway between Quebec and Halifax, and instead thereof to provide that the Guarantee of the Province may be given, under the provisions of the said Act as amended by the Act 14 & 15 Vic. cap. 73, providing for the construction of a main Trunk Line of Railway throughout the length of this Province, to any Company which shall be formed for the construction of a Railway from a point opposite the City of Quebec to Trois Pistoles, and that such Railway shall form part of the main Trunk Line of Railway aforesaid.

2. Resolved, That it is expedient to provide for the incorporation of a Company to construct such Railway as aforesaid, whenever a sufficient number of persons shall express their willingness to construct the same, and shall have subscribed a certain amount of Capital and complied with the other requirements of the Act to be passed in that behalf.

3. Resolved, That it is expedient to provide that if such Company, (or any other, but with preference in favor of such first mentioned Company,) shall extend the said Railway from Trois Pistoles to the Eastern limits of the Province, a tract of One million of acres of the ungranted Lands of the Crown lying in the vicinity of such extension, may be granted to the Company which shall have effected such extension.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to provide for the incorporation of a Company to construct a Railway from opposite Quebec to Trois Pistoles, and for the extension of such Railway to the Eastern frontier of this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Honorable Mr. Hincks reported to the House, That His Excellency the Governor General had been attended with the Joint Address of both Houses respecting the Address to Her Majesty on the subject of Reciprocity with Foreign Nations; and that His Excellency had been pleased to say, that he would transmit the said Address to Her Majesty, to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to empower the several Railway Companies whose Railways form part of the main

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Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies; and that the Rules of this House be suspended as regards the said Bill.

He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time on Thursday next.

The Order of the House of Saturday last, for the attendance of Michel F. Valois, Esquire, in his place in this House, this day, being read:--And Mr. Valois not attending in his place:

On motion of Mr. Sicotte, seconded by Mr. Paige,

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Michel F. Valois, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, and not having been present within one hour after the time appointed for the

meeting of the Committee on Saturday last, and not having attended in his place in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Bill to incorporate the Quebec Temperance Hall Association, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Stuart do carry the Bill to the Legislative Council, and desire their concurrence.

The Bill to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases, was, according to Order, read the third time.

The Honorable Mr. Young moved, seconded by Mr. Brown, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Clapham, Attorney General Drummond, Fergusson, Fournier, Gamble, Gouin, Hincks, LeBlanc, Lemieux, Macdonald of KINGSTON, Malloch, Marchildon, Morin, Paige, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Seymour, Short, Sicotte, Stevenson, Street, Stuart, Taché, Wright of West Riding of YORK, and Young.--(36.)

NAYS.

Mr. Mackenzie.--(1.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to incorporate the Grand Trunk Railway of Canada, being read;

Mr. Cartier moved, seconded by Mr. Sicotte, and the Question being proposed, That the Bill be now read the third time;

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Mr. Brown moved in amendment to the Question, seconded by the Honorable Mr. Young, That all the words after "be" to the end of the Question be left out, in order to add the words, "referred to a Select Committee of seven Members, to inquire and report whether the interests of the Public would not be better conserved by accepting the offer of Her Majesty's Secretary for the Colonies, of an Imperial Loan for the construction of a British American Railroad, provided the said Loan were sufficient to construct the whole route from the New Brunswick line to the City of Hamilton" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Fournier, Gamble, LeBlanc, Mackenzie, Malloch, Marchildon, and Young.--(8.)

NAYS.

Messieurs Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Crawford, Attorney General Drummond, Fergusson, Gouin, Hincks, Lemieux, Macdonald of KINGSTON, Morin, Fuige, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Seymour, Short, Sicotte, Stevenson, Street, Stuart, Taché, and Wright of West Riding

of YORK.--(31.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Mr. Gamble moved, seconded by Mr. Ridout, and the Question being put, That the Bill be amended, in Page 4, line 18, by adding at the end of the fourth Clause, the words "Provided always that nothing in this Act shall extend or be construed to extend to authorize the Company to issue Certificates for Stock for any greater amount than shall actually be expended in constructing the said Railroad;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Gamble, LeBlanc, Macdonald of KINGSTON, Malloch, Marchildon, Ridout, and Young.--(8.)

[NAYS.]

Messieurs Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Attorney General Drummond, Fergusson, Fournier, Gouin, Hincks, Lemieux, Mackenzie, Morin, Prince, Attorney General Richards, Robinson, Rolph, Short, Sicotte, Stevenson, Street, Taché, and Wright of West Riding of YORK.--(27.)

So it passed in the Negative.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin, an Amendment was made to the Bill, in Page 1, by inserting after line 35, the words "Alexander Tilloch Galt, of the Town of Sherbrooke, Esquire; Luther Hamilton Holton, and David Lewis McPherson, of the City of Montreal, Esquires."

Mr. LeBlanc moved, seconded by Mr. Mackenzie, and the Question being put,

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That the further consideration of the Bill be postponed until after the Call of the House shall have taken place; the House divided:--And it passed in the Negative.

Mr. Cartier moved, seconded by Mr. Sicotte, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Clapham, Crawford, Attorney General Drummond, Fergusson, Fournier, Gouin, Hincks, Lemieux, Morin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Short, Sicotte, Stevenson, Street, Taché, and Wright of West Riding of YORK.--(28.)

NAYS.

Messieurs Brown, Gamble, Macdonald of KINGSTON, Mackenzie, Malloch, Marchildon, and Young.--(7.)

So it was resolved in the Affirmative.

Ordered, That Mr. Cartier do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That the remaining Orders of the day be postponed until Tomorrow.

Then, on motion of Mr. Malloch, seconded by Mr. Marchildon, The House adjourned.

APPENDIX: 2 NOVEMBER 1852.

[NOTICE OF MOTION RE: COMMON SCHOOL FUND, L.C.]¹⁴⁰

MR. PROV. SEC. MORIN [gave notice that] on Friday next [he would move a] Committee of the Whole, for the purpose of considering the expediency of appropriating out of the unexpended or unappropriated balance of the Common School Fund for Lower Canada, for the year 1851, a sum not exceeding £3,500 currency, as an aid for the building of School Houses under the direction of the School Commissioners, and a further sum not exceeding £5000 currency, as aid for Education in Lower Canada, in such manner as may be hereafter devised by Parliament during the present Session.¹⁴¹

[NOTICE OF MOTION RE: ADJOURNMENT OF HOUSE UNTIL MONDAY,
14TH FEBRUARY 1853.]¹⁴²

COL. PRINCE [gave notice that] to-morrow [he would move] that when this House adjourns on Wednesday, the 10th instant, it do stand adjourned until Monday the 14th day of February then next ensuing, and that all such Orders of the Day and other proceedings as, on the 10th instant, shall not then be disposed of, shall be and remain in the same order in which they shall happen to be on the Order of the day, and that they shall be taken up according to that Order, (or such other Order as this House may then determine upon,) on the said 14th day of February next.¹⁴³

[NOTICE OF MOTION RE: AN ADDRESS FOR REPRINTS OF "EDITS ET
ORDONNANCES ROYAUX, ETC."]¹⁴⁴

MR. R. CHRISTIE (Gaspé) [gave notice that] on Friday next [he would move an] Address to His Excellency, the Governor General, representing that the Edition of the "Edits, Ordonnances Royaux, déclaration et arrêts du Conseil d'Etat du Roi concernant le Canada" and the "Ordonnances des Intendants et arrêts portant règlements du Conseil Supérieur de Québec, etc." published in the year 1803, pursuant to an Address of the House of Assembly of Lower Canada, of the 5th March, 1801, being out of print, it is highly desirable that a reprint thereof should be made, including such of those "Edits et Ordonnances Royaux, etc.," as well as "Arrêts et Règlements du Conseil Supérieur et Ordonnances et jugements des Intendants," the titles whereof are recited only in those editions, as it may now on consideration be deemed expedient, as well for the public information as preservation of those documents interesting to Canada to publish, and assuring His Excellency, that if He is pleased to cause the same to be printed, and distributed to such persons as are entitled to copies of the laws, this House will readily make good the expense thereof.¹⁴⁵

[NOTICE OF MOTION RE: LUNATIC ASYLUMS, L.C.]¹⁴⁶

MR. PROV. SEC. MORIN [gave notice that] on Friday next [he would move a] Bill to make better provision touching the expense of maintaining Patients in the Lunatic Asylums in Lower Canada.¹⁴⁷

[NOTICE OF MOTION RE: GRAND RIVER NAVIGATION COMPANY.]¹⁴⁸

MR. D. CHRISTIE (Wentworth) [gave notice that] on Thursday next [he would move a] Bill to enable the Directors of the Grand River Navigation Company to place the said Navigation under the control and management of the Provincial Government, under certain conditions.¹⁴⁹

[NOTICE OF MOTION RE: TREATY FOR REGULATING COMMERCIAL INTER-COURSE BETWEEN UNITED STATES AND THE CANADIAN COLONIES.]¹⁵⁰

MR. MERRITT [donna avis que] lundi, 8 novembre [il] proposera que cette chambre se forme en comité, aux fins de prendre en considération les résolutions suivantes:--

1. Que tandis qu'il se négocie un traité entre la Grande-Bretagne et les Etats-Unis, pour régler les relations commerciales entre ce dernier pays et ces colonies, il est du devoir de cette chambre d'exprimer le plus tôt possible sur ce sujet, l'opinion du peuple de cette province.
2. Que pour assurer la paix et la prospérité future de leurs habitants, et un traité durable entre les deux pays, tel traité devrait être basé sur les vrais principes de la réciprocité.
3. Que l'on ne saurait plus sûrement promouvoir les intérêts mutuels des citoyens et habitants de chaque pays, qu'en permettant l'usage libre et commun de la mer, des lacs, rivières, canaux, havres et côtes de chaque pays respectivement, aux mêmes taux qui existent actuellement ou qui pourront être ci-après imposés par l'un ou l'autre gouvernement, pour leurs sujets respectifs.
4. Que les vaisseaux ou embarcations construits dans un pays pourront être achetés et possédés par les habitants de l'autre, et faire le cabotage librement dans chaque pays; que toutes primes et droits sur les vaisseaux, le comestible, le bois de construction, le poisson, et sur tous autres produits des deux pays respectivement, soient abolis; et que toutes les relations relatives à la navigation et au commerce sur ces produits, soient placées sur le même pied, sans plus amples restrictions, que celles qui pourraient être imposées sous un gouvernement commun.
5. Que les précédentes résolutions soient incorporées dans une adresse à sa majesté.¹⁵¹

[NOTICE OF MOTION RE: MISMANAGEMENT OF GOVERNMENT FUNDS.]¹⁵²

MR. BOULTON [donna avis que] mercredi, 10 novembre [il proposera un] Résolu, que prenant en considération la négligence des meilleurs intérêts, du bien-être et du progrès du pays dont a fait preuve le gouvernement exécutif provincial, depuis que les ministres actuels de la couronne ont été au pouvoir, leurs dépenses extravagantes au lieu de retranchements judicieux dans les dépenses de la province, leur négligence et maladministration dans le département des terres de la couronne, au moyen de quoi la province a été dépouillée d'un revenu considérable qui devait être perçu sur le bois de construction; leurs dépenses de sommes considérables sans l'autorité du parlement, la remise et le remboursement de droits sur le bois, contrairement à la loi; leur négligence des fonds d'amortissement requis par la loi sans l'autorité du parlement, la négligence de nos institutions publiques, leur manière insouciante et inhabile de conduire les affaires de l'exécutif, par laquelle des dates erronnées ont été apposées à un ordre du conseil sur un sujet d'une importance vitale; leur renversement de la loi, de par l'autorité d'un seul département, au préjudice du revenu de la province;--le manque général de principes dans leur législation, et le fait qu'il existe dans le conseil exécutif des personnes professant les principes les plus opposés en politique; cette chambre ne peut avoir aucune confiance en la manière dont l'administration de cette province est conduite.¹⁵³

[NOTICE OF MOTION RE: ERECTION OF ADMINISTRATIVE BUILDINGS AND THE ADMINISTRATION OF JUSTICE, L.C.]¹⁵⁴

MR. SICOTTE [donna avis que] jeudi prochain [il proposera que] la

chambre [se forme] en comité sur les résolutions suivantes:--

1. Résolu.--Que la construction des édifices nécessaires à la tenue des cours et à l'administration de la justice, intéresse tous les citoyens et doit constituer une charge pesant également sur toutes les classes.
2. Que le mode déterminé par la 12 Vic., chap. 112, pour le prélèvement des deniers nécessaires à la construction des maisons de justice et des prisons, dans la cité de Montréal, à Kamouraska, à Aylmer, à Chicoutimi et à Gaspé, est éminemment injuste.
3. Qu'il est expédient d'amender l'acte 12 Vic., chap. 115; et de rappeler la 4^e, la 5^e et la 7^e clauses de cet acte.
4. Que pour prélever les frais nécessaires à la construction des maisons de justice et des prisons, dans les endroits susnommés, il devrait être imposé sur la propriété foncière enclavée dans la juridiction du circuit de Montréal et des autres districts susnommés, une taxe basée sur la valeur, en raison et proportion de la somme nécessaire.
5. Que le gouverneur en conseil déterminera sur le rapport du commissaire du bureau des travaux publics, la somme nécessaire et suffisante pour la construction des dites maisons de justice et des dites prisons, et par sa proclamation indiquera la dite somme.
6. Que dans les deux mois qui suivront la date de cette proclamation, le greffier de la cour supérieure pour le district dans lequel la dite maison de justice ou prison devra être construite, sera tenu de préparer une répartition, indiquant en raison de la somme requise, la somme imposée sur chaque immeuble, dont la valeur sera déterminée d'après les évaluations municipales alors en force, laquelle répartition sera signée par le dit greffier, et enregistrée dans les registres de la dite cour, et il sera du devoir du dit greffier de donner communication de la dite répartition à tous les contribuables.
7. Que le gouverneur en conseil déterminera par proclamation, quand, en quelle proportion, par chaque paiement, et entre les mains de quelle personne seront payées les sommes imposées sur les dits immeubles.
8. Que les sommes ainsi prélevées seront employées, et compte en sera rendu de la manière pourvu par l'acte cité.¹⁵⁵

FOOTNOTES: 2 NOVEMBER 1852.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 4 November 1852, MONTREAL GAZETTE, 5 November 1852, QUEBEC GAZETTE, 5 November 1852, PILOT, 6 November 1852, BRITISH COLONIST, 9 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, NORTH AMERICAN SEMI-WEEKLY, 23 November 1852, and NORTH AMERICAN WEEKLY, 25 November 1852. The debate was also reported by GLOBE, 13, 16 November 1852. MORNING CHRONICLE, 4 November 1852, reported the resolutions in a separate account. The following papers noted the debate in partially identical accounts: GLOBE, 4 November 1852, HAMILTON SPECTATOR DAILY, 4 November 1852, EXAMINER, 10 November 1852, and HAMILTON SPECTATOR WEEKLY, 11 November 1852 (in a separate account).
2. GLOBE, 13 November 1852.
3. GLOBE, 13 November 1852. According to MONTREAL GAZETTE, 5 November 1852, Mr. Hincks "spoke with great warmth."
4. MONTREAL GAZETTE, 5 November 1852.
5. GLOBE, 13 November 1852.
6. MONTREAL GAZETTE, 5 November 1852.
7. GLOBE, 13 November 1852.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. MONTREAL GAZETTE, 5 November 1852.
15. GLOBE, 13 November 1852.
16. MONTREAL GAZETTE, 5 November 1852.
17. GLOBE, 13 November 1852. MONTREAL GAZETTE, 5 November 1852, reported 3½% interest rather than 6½%. The ellipsis represents illegible words.
18. GLOBE, 13 November 1852.
19. MONTREAL GAZETTE, 5 November 1852.
20. GLOBE, 13 November 1852.
21. MONTREAL GAZETTE, 5 November 1852.
22. IBID.
23. IBID.
24. GLOBE, 13 November 1852.
25. MONTREAL GAZETTE, 5 November 1852.
26. GLOBE, 13 November 1852.
27. MONTREAL GAZETTE, 5 November 1852.
28. GLOBE, 13 November 1852.
29. MONTREAL GAZETTE, 5 November 1852.
30. GLOBE, 13 November 1852.
31. MONTREAL GAZETTE, 5 November 1852.
32. IBID.
33. GLOBE, 13 November 1852. The ellipsis represents illegible words.
34. GLOBE, 13 November 1852.
35. MONTREAL GAZETTE, 5 November 1852.
36. GLOBE, 13 November 1852.
37. IBID.
38. GLOBE, 13 November 1852. The ellipsis represents illegible words.
39. GLOBE, 13 November 1852.
40. GLOBE, 13 November 1852. The ellipsis represents illegible words.

41. GLOBE, 13 November 1852.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. MONTREAL GAZETTE, 5 November 1852.
59. IBID.
60. GLOBE, 13 November 1852.
61. MONTREAL GAZETTE, 5 November 1852.
62. GLOBE, 13 November 1852.
63. IBID., 16 November 1852.
64. MONTREAL GAZETTE, 5 November 1852.
65. GLOBE, 16 November 1852.
66. MONTREAL GAZETTE, 5 November 1852.
67. GLOBE, 16 November 1852.
68. IBID.
69. IBID.
70. MONTREAL GAZETTE, 5 November 1852.
71. GLOBE, 16 November 1852.
72. MONTREAL GAZETTE, 5 November 1852.
73. GLOBE, 16 November 1852.
74. MONTREAL GAZETTE, 5 November 1852.
75. GLOBE, 16 November 1852.
76. MONTREAL GAZETTE, 5 November 1852.
77. GLOBE, 16 November 1852.
78. MONTREAL GAZETTE, 5 November 1852.
79. GLOBE, 16 November 1852.
80. MONTREAL GAZETTE, 5 November 1852.
81. GLOBE, 16 November 1852.
82. MONTREAL GAZETTE, 5 November 1852.
83. GLOBE, 16 November 1852.
84. IBID.
85. IBID.
86. MONTREAL GAZETTE, 5 November 1852.
87. GLOBE, 16 November 1852.
88. MONTREAL GAZETTE, 5 November 1852.
89. GLOBE, 16 November 1852.
90. MONTREAL GAZETTE, 5 November 1852.
91. GLOBE, 16 November 1852.
92. MONTREAL GAZETTE, 5 November 1852.
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96. MONTREAL GAZETTE, 5 November 1852.
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102. MONTREAL GAZETTE, 5 November 1852.
103. GLOBE, 16 November 1852.
104. MONTREAL GAZETTE, 5 November 1852.
105. GLOBE, 16 November 1852.
106. MONTREAL GAZETTE, 5 November 1852.
107. GLOBE, 16 November 1852.
108. MONTREAL GAZETTE, 5 November 1852.
109. GLOBE, 16 November 1852.
110. MONTREAL GAZETTE, 5 November 1852.
111. GLOBE, 16 November 1852.
112. MONTREAL GAZETTE, 5 November 1852.
113. GLOBE, 16 November 1852.
114. MONTREAL GAZETTE, 5 November 1852.
115. GLOBE, 16 November 1852.
116. MONTREAL GAZETTE, 5 November 1852.
117. GLOBE, 16 November 1852.
118. MONTREAL GAZETTE, 5 November 1852.
119. GLOBE, 16 November 1852.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. MONTREAL GAZETTE, 5 November 1852.
125. GLOBE, 16 November 1852.
126. MONTREAL GAZETTE, 5 November 1852.
127. GLOBE, 16 November 1852.
128. MONTREAL GAZETTE, 5 November 1852.
129. GLOBE, 16 November 1852.
130. MONTREAL GAZETTE, 5 November 1852.
131. GLOBE, 16 November 1852.
132. IBID.
133. GLOBE, 16 November 1852. MORNING CHRONICLE, 4 November 1852, in their account of the debate attributed this reply to Mr. Cauchon.
134. GLOBE, 16 November 1852.
135. IBID.
136. IBID.
137. IBID.
138. IBID.
139. IBID.
140. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 4 November 1852, BRITISH COLONIST, 9 November 1852, JOURNAL DE QUEBEC, 4 November 1852, and LE PAYS, 5 November 1852.
141. MORNING CHRONICLE, 4 November 1852.
142. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 4 November 1852, BRITISH COLONIST, 9 November 1852, JOURNAL DE QUEBEC, 4 November 1852, and LE PAYS, 5 November 1852.
143. MORNING CHRONICLE, 4 November 1852.
144. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 4 November 1852, BRITISH COLONIST, 9 November 1852,

- and JOURNAL DE QUEBEC, 4 November 1852.
145. MORNING CHRONICLE, 4 November 1852.
146. The following papers reported this notice of motion in identical accounts:
MORNING CHRONICLE, 4 November 1852, BRITISH COLONIST, 9 November 1852,
and JOURNAL DE QUEBEC, 4 November 1852.
147. MORNING CHRONICLE, 4 November 1852.
148. The following papers reported this notice of motion in identical accounts:
MORNING CHRONICLE, 4 November 1852, and BRITISH COLONIST, 9 November 1852.
149. MORNING CHRONICLE, 4 November 1852.
150. The following papers reported this notice of motion in identical accounts:
MONTREAL GAZETTE, 5 November 1852, and LE PAYS, 5 November 1852.
151. LE PAYS, 5 November 1852.
152. The following papers reported this notice of motion in identical accounts:
MONTREAL GAZETTE, 5 November 1852, PILOT, 9 November 1852, and LE PAYS,
5 November 1852.
153. LE PAYS, 5 November 1852.
154. The following papers reported this notice of motion in identical accounts:
MONTREAL GAZETTE, 5 November 1852, PILOT, 9 November 1852, and LE PAYS,
5 November 1852.
155. LE PAYS, 5 November 1852.

WEDNESDAY, 3 NOVEMBER 1852.

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THE Serjeant-at-Arms attending this House, informed the House, that he had been unable to comply with the Order of the House, of yesterday, for taking into his custody Michel F. Valois, Esquire, in consequence of his absence from this City.

The Honorable Mr. Morin presented, pursuant to an Address to His Excellency the Governor General,--Return to an Address from the Legislative Assembly to the Governor General, dated the 11th ultimo, praying that His Excellency will cause to be laid before the House, copies of any appointments made between the month of December, 1849, when the 12 Vic. cap. 37, came into force and effect, and the 30th of August, 1851, when the 15th Section of that Act was repealed by the 14 & 15 Vic. cap. 88, under the hand and seal of the Governor of this Province, of persons to sit as ad hoc Judges in the Court of Queen's Bench, in the place and stead of Judges lawfully recused or disqualified, or rendered incompetent, either by reason of interest or otherwise, to sit in the said Court in any Cause cognizable thereby, or absent from the Province, for the purpose of hearing and determining such Cause, and of doing such judicial acts therein as might be required before or after the determination thereof, whether such persons were taken from among the Judges of the Superior Court of the Circuit Judges, or from among the Members of the Bar of Lower Canada; with a list of

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the persons who sat in the said Court of Queen's Bench under such appointments, and the occasions on which they so sat; also, a list of the persons who refused or omitted to sit under any appointment, so made, and the reasons assigned for their having done so, and copies of any Correspondence with the Executive Government on the subject; also, a Statement of the Causes in which it has become necessary, since the 30th of August, 1851, to complete the number of Judges of the said Court of Queen's Bench from the Judges of the Superior Court, under the provisions contained in the last mentioned Statute, with a list of the Judges of the Superior Court selected to act as ad hoc Judges of the Court of Queen's Bench, the Causes in which they were required, and the occasions on which they so sat; and generally all information respecting the mode in which the Chief Justice of the Superior Court communicates with the other Judges of his Court, and arranges with them what Judge or Judges shall so act as ad hoc Judge or as ad hoc Judges of the Court of Queen's Bench in the Cause or Causes in which they are required, and any Correspondence or information shewing why the duty imposed upon the Chief Justice and Judges of the Superior Court, under the 14 & 15 Vic. cap. 88, has been so distributed, that in some instances two Members of the Superior Court in the degree of relationship of brothers, should be made to act as ad hoc Judges of the Court of Queen's Bench in the same Cause, whilst the Chief Justice and the Senior Judges of the Superior Court have in no one instance been selected for the performance of the duties required by the last mentioned Statute.

For the said Return, see Appendix (K.K.K.)

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Eleventh Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to enable Stephen Atkinson and his brother, John Atkinson, to convey to the Municipality of Nelson part of Lot No. 15, in the first concession south of Dundas Street, for a Township Hall, and have agreed to the same without amendment.

Mr. Seymour, from the Standing Committee on Contingencies, presented to the House the Fourth Report of the said Committee; which was read, as followeth:--

In consequence of an anticipated adjournment of the House, Your Committee, upon the suggestion of the Clerk, recommends that a further advance of Ten thousand pounds be made to meet the demands of the Printers, together with other heavy accounts, against the House.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of Ten thousand pounds, currency, towards defraying the Contingencies of this House; and assuring His Excellency that this House will make good the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That the Fourth Report of the Standing Committee on Printing, be now read:--And the same being read;

Resolved, That this House doth concur in the Fourth Report of the Standing Committee on Printing.

Mr. Sicotte, from the Select Committee appointed to try and determine the matter of the Petitions complaining of an undue Election and Return for the County of Megantic, informed the House, that in consequence of the continued

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absence of Michel F. Valois, Esquire, a Member of the Committee, the Committee were unable to sit this day.

On motion of Mr. Sicotte, seconded by Mr. Cartier,

Ordered, That Michel F. Valois, Esquire, be excused for his absence from the said Committee, and for his non-attendance in his place in this House, yesterday, on account of sickness, as appears by the Certificate of his Medical Attendant, Dr. Bibaud, verified upon Oath.

Ordered, That Mr. Valois be discharged from any further attendance on the said Committee.

MR. MACKENZIE¹ moved, that this House will, on this day week, resolve itself into a Committee² of the Whole, to consider a Resolution for an Address to Her Majesty, desiring that certain amendments may be made in the Imperial Statute of 1840, for uniting the Provinces of Upper and Lower Canada, commonly called the Union Act. [He] explained that his object was to obtain the repeal of so much of the Union Act as required a majority of two-thirds to pass acts for altering the present constitution of the House of Assembly. He did not want to go into Committee immediately; but only to resolve to do so on some future day.³

MR. PROV. SEC. MORIN thought the address unnecessary on account of the action taken by the governments on such points as admitted of discussion on the representation.⁴

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Mr. Mackenzie moved, seconded by Mr. White, and the Question being put, That this House will, on Wednesday next, resolve itself into a Committee to take into consideration the following Resolutions upon which to found an humble Address to Her Majesty:--

1. That some of the provisions of the Act passed in Her Majesty's Imperial Parliament, in 1840, for re-uniting the late Provinces of Upper and Lower Canada, and for the government of this Province, interfere with and prevent the harmonious action of our representative institutions:

2. That on the 20th June 1839, Lord John Russell and Mr. Labouchere introduced into the House of Commons, a Bill for dividing Canada into Electoral districts, which provided that, in apportioning the Representation of the People in the Legislative Assembly, regard should be had to the extent of population and territory in each County; and that majorities in the Legislature thus to have been created, should have power to alter the boundaries and the number of the Electoral divisions in any district, which would have enabled the Legislature to secure a fair Representation of the People in the Legislative Assembly, without which the qualified Electors are deprived of their just influence in public affairs under this Constitution:

3. That the said Bill further provided, that the first Legislative Assembly should consist of 98 Members, without placing any restriction whatever upon the united Legislature in case they should be desirous of increasing the Representation; it allowed a separate Representation to Montreal, Quebec, Toronto, and Kingston,--naming no other Towns; it authorized the Legislature "to make such provision as to them should seem meet," respecting the number of Members of Assembly, the time and place of holding the Legislative Sessions, "the prorogation of any such Session, or the dissolution thereof, or the continuance of the Assembly, or the qualification or disqualification of any person to be elected, or to sit and vote as a Member of the said Assembly, or the summoning of the said Assembly for the despatch of business;" and it left to the Legislature to consider whether a pecuniary qualification was required in Candidates for seats in the Assembly:

4. That instead of these wise and wholesome provisions, by which it was intended to give the People of Canada a real influence in the management of their local affairs, an Act was passed in the Imperial Parliament, in 1840, restricting the number of Members in the Assembly to 84, unless two-thirds of all the Members of the two Houses of Legislature should vote, at two separate readings in each House, for a Bill authorizing such increase, while on all other subjects of legislation, a majority of any twenty Members were declared competent to bind the People, in Assembly:

5. That during the last three annual Legislative Sessions, large majorities voted to increase and render more equal the Representation; and in the Session of 1851, the Speaker's vote would have given two-thirds for the measure before the House, had not another Section in the said Act of 1840, forbidden him to vote on behalf of his Constituents, unless when the votes were equal, for or against the measure:

6. That by the Census of this year, the Votes of Constituencies containing 30,000, 40,000, 50,000 and in some cases nearly 60,000 persons, are, or may be

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neutralized by the suffrages of small Towns and Counties possessing a population of from 1400 to a few thousands; and that this House finds itself unable to pass Bills regulating the Representation, and remedying those abuses, although Her Majesty has recently recommended to Her Imperial Parliament to abolish a property qualification for Candidates at Election in England and Wales, and although none exists in Scotland, while a very large number of our fellow subjects are rendered ineligible in Canada, because their real estate is, severally, worth less than £500 sterling:

7. That the Union Act of 1840 provides, that several Villages containing from 1,400 to over 4,000 persons each, should each send a Member to the Legislature, while other Villages more populous and wealthy are included in the Counties in which they are located: That this House is desirous more equitably to regulate their Representation, and is of opinion that the said Act of 1840 should be so amended as that not less than a majority of this House should be a Quorum; that the equalization or increase of the Representation in this House should be

regulated by the votes of majorities in the Legislature when sanctioned by the Crown; that this House should have power to pass Bills determining the time and place of holding its Legislative Sessions, and the prorogation of any such Session, or the summoning of the Legislature for the despatch of business, or the dissolution of the Legislature, or the continuance of the Assembly; and that no other pecuniary qualification should be required from Candidates for seats in the Assembly than such as would be provided by any Bill that might be agreed to by the Legislature of Canada;

The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Fergusson, and Mackenzie.--(3.)

NAYS.

Messieurs Burnham, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Dubord, Egan, Fortier, Fournier, Gamble, Gouin, Hartman, Hincks, Jobin, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, Lyon, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, McDougall, McLachlin, Merritt, Morin, Patrick, Poulin, Prince, Ridout, Robinson, Rolph, Rose, Seymour, Shaw, Short, Sicotte, Stevenson, Stuart, Varin, Viger, White, Willson, Wright of West Riding of YORK, and Young.--(54.)

So it passed in the Negative.

On motion of Mr. Dubord, seconded by Mr. Clapham,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying him to cause to be laid before this House, a Return of the Tonnage Dues paid annually by the Shipping for the support of the Marine Hospital, since it was built; also, a Return of the Seamen admitted into the Hospital annually since it was built; and, also, a Return of the annual cost for maintaining the said Seamen.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

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Ordered, That Mr. Jobin have leave to bring in a Bill to amend the Act amending the Acts and Ordinances incorporating the City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

COL. PRINCE⁵ said, pursuant to a notice which he gave yesterday, he rose for the purpose of moving an adjournment, from the 10th of this month to the 14th of February. It might appear singular, he said, that having just returned after being relieved from the performance of his duties in that House, he should move an adjournment. He was not desirous that it should take place, and had given the notice at the request of a number of members who were anxious for it, and others who were desirous of ascertaining what was the sense of the House. It was desirable to know whether there should be an adjournment or not, as the debate on Saturday left the question in doubt and uncertainty. He had laid the notice on the table, not because he deemed it necessary, for an adjournment was always in order; but that a better opportunity might be afforded of ascertaining the views of members. The member for Kent was of opinion that two days' notice should have been given, but still he was not disposed to take advantage of the error, if such it was, in order that it might be ascertained whether or not an adjournment was to take place before Christmas. His reason for moving the

adjournment, he said, was this:--Could they get through with the business of the session before Christmas?--this was impossible. He would ask, was it fair or reasonable that members should be kept till February or March, doing nothing during the Christmas holidays. There are fifty motions, he said, which require much consideration, also three very important bills, one introduced by the Attorney General of a legal nature, that for increasing the representation, and that with reference to the seigniorial tenure; to dispose of which would require till after Christmas. If an adjournment took place for ten weeks, members would have an opportunity of returning after having well digested the important measures alluded to during the winter evenings. On the orders of the day, there were some of the most important bills that had been introduced since the union, and to which it would be impossible to give proper attention here. Three-fourths of the constituency have no idea of the reading of letters that is required, which are irrelevant to parliamentary matters, and which leave members but little time to attend to their parliamentary duties for which they are responsible. If this were so, therefore, let that branch, at least of the Legislature adjourn; it did not follow, however, that the other House should do so; and he saw no injury that would arise from their adjourning till February, during which time the members could attend to their private business and avocations. He contended that if they were satisfied that the House could not get through with the public business properly, as there were a number of private bills to be disposed of, he asked was it fair to keep the Upper Canada members here during the holidays, particularly when the public interests would not suffer by delay? For his own part, he said, he was prepared to go on with the business till May, but feeling assured that they would not get through with the business of the country by remaining at present, he would submit his motion.⁶

MR. ROBINSON was not surprised that the member for Essex should ask the indulgence of the House, in making the motion he had done, having so recently returned and taken his seat; and who was desirous of extending to others the same favour which he had enjoyed himself. He was surprised, however, that the measure came from him, rather than from members of the Government. The hon. gentleman had said that he could not go into the streets without being asked whether the House were going to adjourn. He (Mr. R.) had been asked the same question, but always with the same remark, that it was hoped they would not. He thought there was no desire on the part of the people of Quebec that the House should adjourn. Then the hon. member had said they would not get through with the business of the session before the Christmas holidays. He should like to know how long the session was to last? He then went on to state the number of bills that were on the orders of the day, of which there are one hundred and thirty-three; and which he (Mr. R.) thought was a very good reason why they should go on with the public business. The bill introduced by the Attorney General, it was understood, was not to be proceeded with during the present session, and it was well known there was law enough to keep the country a-going for another year. Then as to the representation bill, there was a call of the House for to-day, for the purpose of taking it up; and why call members from their homes, if it was not intended to go on with it. With reference to the Seigniorial Tenure bill, the hon. gentleman had said, it was desirable that Upper Canada members should make themselves acquainted with the subject; but last year they were congratulated by the members for Lower Canada with understanding it as well as they did; it was not necessary, therefore, to adjourn over on that account. There were private bills, to be sure, that required attention; but these might be disposed of in a reasonable time. It had been said that although that branch of the Legislature might adjourn, the other House need not; he thought this would look rather strange; and there had been much difficulty in keeping the members here while the House was in session.

He (Mr. R.) could see no necessity for the House adjourning. They had had a solemn warning; but the danger had passed away; and no cases of the disease had occurred during the last ten days; and medical men say, there was no occasion to adjourn on account of the health of the city. It depended on the Government whether measures should be left unfinished for two or three months, which they might bring on at once; and particularly as they were not in a position to bear up for recruits. He for one would be against the adjournment; and if the members would abstain from getting up long and needless debates, as had hitherto been the case, they might get through with the business of the session before the Christmas holidays. There was no doubt members would like to go home and attend to their private business; but when they accepted the situation of representative, they must forego that. He said he should vote against the adjournment, because he conceived it unnecessary, and if at Christmas, members were desirous of adjourning during a few festive days, he should be in favour of it.⁷

COL. PRINCE explained that his motion was made without the knowledge or concurrence of the Government.⁸

MR. LANGTON said, the member for Simcoe had remarked that the proposition to adjourn did not come with a good grace from the member for Essex, who had been enjoying himself at home; but the member for Simcoe has his family with him. He (Mr. L.) did not think business would be left undone, because members went home, to see their families; but it was evident that they could not get through with the business before the House before Christmas, in a satisfactory manner. He was quite sure the House could not be kept together after Christmas, because members had their own business to attend to; he, for one, after Christmas, must go home. Meantime, if the pressing business be all got through with, which might be disposed of, the country would not be the loser by an adjournment, as, on the return of members, business would be more satisfactorily attended to. The hon. member for Simcoe was of opinion that members would not be inclined to study at home; but there are a great number of measures that have never been considered by the country, and members wanted to consult their constituents, as to their views; and which he considered as another reason for adjourning. He was willing, however, to act till Christmas, if there were a probability of getting through with the business; but as he believed that could not be done, he should be in favour of adjourning as soon as possible.⁹

MR. INSP. GEN. HINCKS said, the member for Simcoe had stated, that the Government ought to have come down with a proposition relative to an adjournment. Now, he had stated on Saturday, that as far as the Government was concerned, the idea had never been entertained by them, until there was every reason to believe that a considerable number of members, on both sides of the House, desired it. He would say, frankly, that the Government had no desire on the subject, but wished to get through with the business of the session. At the same time, they thought they ought not to resist a feeling that prevailed extensively at that time, in favour of an adjournment. During the debate on Saturday, however, there was evidently a desire that the House should not adjourn on that day. Without alluding to measures connected with party politics, he said, there are a great number of measures on which no difference of opinion prevailed, that ought to be matured in a few days, and which ought to be disposed of; and therefore he was opposed to immediate adjournment. It was soon perceived, on Saturday, that the advocates for adjournment thought it should be immediate; consequently the question lay over, and the member for Essex gave notice of his motion, without consulting the Government. He (Mr. H.) had stated, on Saturday, and still thought, there was no reason for adjourning on account of the health of the city; but if an adjournment took place, it must

be for the convenience of members; and as the House would not get through with its business before the close of navigation, or even before Christmas, the question was, whether members should have an opportunity of going home and returning, at a time hereafter to be fixed? Reference he said, had been made to the state of the public business; but with reference to Government measures before the House, while he was not disposed to impute blame to any member on account of the time which had been occupied in discussion, yet he was prepared to say, that in no Legislature in the world was there a greater devotion to the public business by members than in Canada. He stated this from his knowledge of the United States and of England; and he repeated, that nowhere did members devote themselves more assiduously to their duties in Parliament, than in Canada. He did not desire to cast any reflections, and would admit that in a country where public opinion exercises so much influence as here, motions of members must be pressed forward; but since the session had been opened, notwithstanding what the member for Haldimand had asserted, in a previous debate, he would assert that the House had sat regularly, for a considerable number of hours every day, and that members had faithfully discharged their duties. With reference to the Government, there had always been measures before the House, to occupy it during the Government evenings, and should the session go on, he would thank them to give the Government another day in each week. For himself, he said he had attended faithfully, and had never pressed members but at late and unreasonable hours; still he had always been willing to sit until the House rose. With reference to the question of an increased representation, after the call of the House which had been made for that day, and the manner in which it had been responded to, he did not feel that the Government would be justified in going on with the bill that evening; and whether it would be safe to test the measure this fall he was not prepared to say. He did not believe, looking at the state of public business, that a short adjournment would impede it, and he had stated this frankly, when the motion for an adjournment was first brought forward. But, at the same time, so far as the Government were concerned, they were willing to go on with the public business, and, he repeated, they would be thankful for another day.¹⁰

MR. J.A. MACDONALD of Kingston said, the average duration of a session of Parliament was three months and a half, and there were nearly two months before Christmas. A great deal of routine business had been got through with; all enquiries of the Crown, which were always brought forward at the commencement of the session, had been disposed of; and he had been assured by the gentleman who had made more enquiries than any other member, that he should make no more. He (Mr. M.) thought that from this time to Christmas, it would be found that twice as much business would be done as heretofore. Reference had been made to the large number of bills before the House; at least one-half of which would be dropped, as was usually the case, and fifty or sixty would be all that would be disposed of, exclusive of private business that would not be opposed. The proposition at present, he said, is for an adjournment for two months, made by an independent member, but for which the Government is responsible,—which, more than any other question, for it is virtually a prorogation [*sic*], it was for them to determine upon, but which they are disposed to submit to the feeling of the House:—why not do this in all cases? The Government had alway[s] opposed any motion in relation to the meeting and prorogation of Parliament, on the ground that they were responsible; but here the Inspector General gets up and abandons the principle. If this course is to be pursued, they must adopt the American principle. This he was not disposed to do. He contended that the Government were bound to decide the question, and would hold them to it. He insisted that there was no excuse for an adjournment founded on its necessity, and that there was no precedent for it. As to members attending to private

business, when they took office, as had been observed, they must forgo that. Should an adjournment take place, it would be a new session in point of fact; all the discussion that has taken place would be renewed two months hence, and every subject would be brought up as if twelve months had elapsed, and the House met a year hence, and there would be a waste of time and money. They could have morning sittings, he said, for private business, or they could take up railroad measures, and at four o'clock they could dismiss the Government measures. The Railway Committee had nearly got through with the business before it. The same might be said of the Committee on Private Bills. Then, where was the necessity for adjourning? If they would go to work, they might get through with the business of the session in six weeks, and an immense saving would be effected. If an adjournment takes place, the staff of the House must be kept up; new measures will be introduced, which members will bring fresh from their constituents, and there would be in reality another session, which would not be as satisfactory as if they were to meet twelve months hence. He hoped, in conclusion, that the Government would not consent to the motion; for his part, he was willing to give three days to the Government and to meet in the mornings,--and if this were done, he was satisfied they would get through with the business before Christmas.¹¹

MR. DIXON said the opinion was very prevalent when the House met, that members would get home by the last of the navigation, all prospect of which had disappeared. He really felt as if an adjournment would do him good, at the same time when the question should come up, he was prepared to bow to the wish of the majority. Some gentlemen had said, they would get through with business before Christmas; but that would depend upon members themselves. If long speeches were still to be made with reference to every subject, it would be spring before the Parliament would rise. He had not the slightest idea that the business of the House would be got through with by Christmas. If an adjournment was to take place for three weeks at Christmas, members would have to go home by roads, and return in the same manner; but should it take place now, they might take advantage of steamboat[s], and return by sleighs, which would suit the majority.¹²

MR. RIDOUT said the member for Essex, who had made the motion, had intimated that he was induced to do so by members from Upper Canada, and his statement had been borne out by the debate which had taken place, as those who had spoken were from that section of the country; and he also desired to say something. This was the second time the motion to adjourn had been discussed, and he was glad to find, that the expediency of an adjournment was not based on any thing of that melancholy nature, which had characterised the debate on a previous occasion; it had been brought forward to suit members. From what took place at the beginning of the session, he thought three months would be sufficient to get through with the public business; and felt disappointed when the Inspector General asserted that the business would not be disposed of by the nineteenth of this month. If he understood that gentleman correctly, it would be January or February before the orders of the day would be disposed of. He did not pretend to know what time would be consumed in getting through with these; but if it should be any time like what had been mentioned, and if it would take till after Christmas, if it was to take place at all, it should be before the close of navigation; but he thought not so soon as was proposed, as in that case, many bills of a private nature could not be carried through before a later period. He said he spoke feelingly as he had two or three bills relating to institutions which were suffering for want of amendments, which it was important to have passed before the close of navigation. Individually, he would rather

that the House should not adjourn, but would continue to transact the business of the session, as they had now got on to a period of the session, when the business of the country might be proceeded with more vigorously. With that view he should prefer that the House would go through with the business, if it could be disposed of by Christmas. That would be between four and five months, which would be as great a length of time as could be expected of members to attend to their public duties. He should not vote for the period alluded to in the resolution; but was willing to adjourn towards the close of the navigation.¹³

MR. SEYMOUR thought, that before the adjournment took place, they ought to know what was to be the commercial policy of the country, as orders are transmitted to England during the winter; and if supplies are to be obtained through Quebec, there must be corresponding arrangements made. If that question were set at rest before the adjournment, he would vote for it.¹⁴

MR. MERRITT said he had been all along in favour of an adjournment, and was so still on public grounds; as, if the House was to remain in session, instead of getting through with the business in a proper manner, it would be hastily carried forward. If an adjournment was to take place at that time, members can meet at the time preferred, and return after the navigation opens in spring; and, in the mean time, they could get through with the business of the country calmly. He was persuaded that it was for the interest of the country that the House should adjourn.¹⁵

MR. CARTIER said, since the subject was last discussed, he had not seen anything new to induce him to vote for the adjournment. He thought with the member for Kingston, that six weeks well employed would enable them to get through with all the business of the House. Having an experience of three or four years, he had always seen the first two months and a half employed in letting off gas, which prevailed over reason; and if an adjournment should take place, they would have to begin anew. They ought not to trifle in this way with the means of the country; a new session would be very expensive, and it would require stronger reasons than any he had heard, to induce him to vote for an adjournment. As to the number of the orders of the day to which allusion had been made, it had been said with great truth that two-thirds of them would die a natural death. He thought among them there were only two or three measures which would require mature discussion; and if Government took another day, private matters might ... be disposed of; and in six weeks they would despatch the business of the country. There was one subject which he wished to bring under the notice of the Inspector General: he alluded to the expected alteration in the commercial policy of the country; as, if there is to be a change, it ought to take place as soon as possible; and it would be injurious to the interests of the country to defer it till January or February, as every commercial man will require to regulate his business; and they ought to know what is the decision of the Government to have goods brought into the country by the way of the St. Lawrence.¹⁶

MR. MACKENZIE was opposed to the motion to adjourn, and would agree that the Government should have three days every week. He was opposed to going back, when there was no desire to authorise an adjournment, and there was a large number of bills to be disposed of, and when they had done nothing. An adjournment, he said, would cost the Province \$100,000. Are members to return at their own expense? The business of the country would never be properly transacted until it was proceeded with regularly. There was no information, as yet, before the House as to the supplies, and no estimates had been brought down. Were they to go away, and leave the Government to do as they please?

He was then proceeding to animadvert upon the transactions of 1837-38, when¹⁷--

SIR A. MACNAB called him to order.¹⁸

MR. MACKENZIE then attacked the committee of public accounts, when¹⁹--

MR. R. CHRISTIE also called him to order. He said, if the committee of public accounts had not reported, the member for Haldimand was the cause of the delay. The members of that committee were his equals in an independent sense, and in a moral point of view they were his superiors. He had frequently been sent for with a view of obtaining information from him, but he had almost treated their invitation with insult, and it was only the day previous that he had been sent for, but had not attended. The committee had therefore, determined to make a report, which he should submit the next day.²⁰

MR. CAUCHON had been in favour of the adjournment on Saturday, because [sic] there was a panic among hon. members; but he had then said that, if the adjournment took place at all, it ought to be immediate. But the disease had abated its ravages, and the panic had completely ceased--the best proof of that was, that even the member for Wentworth did not insist on the adjournment. He conceived, therefore, that there was no necessity whatever for the adjournment, and the Government ought to resist the motion. They had resisted the motion on Saturday, when there appeared to be really some reason for an adjournment, and now they gave way when it was their duty to go on with the business of the country. The argument of the member for Peterborough appeared to him to be of little weight; at least if it were applicable to the present session it was equally applicable to all other sessions; but in all previous sessions, with the exception of the session of 1845, they had proceeded with the business until it was completed, without adjournment. And it was the best plan to adopt; for at the commencement of every session, hon. gentlemen came prepared with a vast number of enquiries, and with long speeches on all sorts of subjects, which generally wasted one half of the session. All the real work of the session was done towards the close, when hon. members were tired of speaking; but if an adjournment took place now, exactly the same waste of time would be witnessed when the House met again on the 14th February, as at the commencement of a new session.²¹

MR. ROSE's opinion was that the House should go on with business until the 18th or 19th instant. If hon. members set heartily to work they would be enabled by that time to judge whether they could complete the work of the session before the Christmas holidays; if it should then appear that they could not get through before Christmas, the question of adjournment might be very properly entertained, but certainly not at present.²²

MR. BADGLEY was not disposed to have two sessions of Parliament within eight months, and that would be the effect of an adjournment at the time proposed by the member for Essex. He felt satisfied that all the legislation which is required by the country could be performed in three weeks or a month if hon. members would apply themselves heartily to work.²³

MR. DIXON wished to know what reason could be assigned for the adjournment. He had heard it said that the business of the country could not be got through with; if that were the reason then hon. gentlemen on the Treasury benches ought to be the best judges as to whether it was, or was not, well founded and the onus of the adjournment would rest on them. They saw the fitness and propriety of calling the House together at this season of the year, and they should be the judges of the fitness and propriety of the adjournment or prorogation. He took that opportunity of expressing his surprise that some hon. gentlemen, and especially the member for Haldimand should have persisted in obstructing

the public business up to the present moment by talking everlastingly on every subject. A proper respect for the country and for the House ought to have restrained that hon. gentleman, if no other influence were sufficiently powerful.²⁴

MR. INSP. GEN. HINCKS said that, with regard to the commercial policy of the Government it was not their intention that that policy should take effect before the April quarter. He was of opinion that as it depended to a certain extent on legislation on the other side²⁵ of the lines ... (cries of hear)²⁶, no such conclusion as the member for Verchères had alluded to, could be arrived at immediately. It was not pretended by the Government that any part of that policy should have the slightest effect on importations from Great Britain, whether by way of the St. Lawrence or through the United States.²⁷ Orders for British goods, therefore, might be sent as usual, without any difference being made on account of the probable change of policy, though he admitted that it was desirable that all these things should be decided as early as possible.²⁸ There was no reason, therefore, why the House should act at once on that question, as a delay of a few weeks might put the House in a much better position to do so. The Government would do all in its power to facilitate the public business whether an adjournment took place or not. With respect to the question of responsibility, he would say that the Government did not desire to shrink from any responsibility which properly attaches to them. The simple question was, whether the House should continue to go on with business when it was perfectly clear that they could not get through before the close of the navigation. If hon. members could be induced to consume less valuable time with long speeches it might be possible to close before Christmas, but he must confess that he perceived very little probability of such a desirable result from the course which certain hon. members pursued. Judging from the opinions which had been expressed, the Government was convinced that there was a very strong feeling in favour of adjournment; they were then of opinion that they would be justified in voting for the motion--with the full knowledge, however, that the member for Kingston, with his usual tact, would make a very considerable amount of political capital out of it.²⁹

Some further conversation [ensued].³⁰

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Mr. Prince moved, seconded by the Honorable Mr. Viger, and the Question being put, That when this House adjourns on Wednesday the 10th instant, it do stand adjourned until Monday the 14th day of February then next ensuing; that all such Orders of the day and other Proceedings as, on the 10th instant, shall not then be disposed of, shall be and remain in the same order in which they shall happen to be on the Orders of the day, and that they shall be taken up according to that order (or such other order as this House may then determine upon) on the said 14th day of February next; The House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cameron, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Crawford, Attorney General Drummond, Dubord, Egan, Fournier, Gouin, Hartman, Hincks, Langton, LaTerrière, Laurin, Lyon, Malloch, McDougall, McLachlin, Merritt, Morin, Morrison, Paige, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Shaw, Short, Taché, Viger, White, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(37.)

NAYS.

Messieurs Badgley, Brown, Cartier, Cauchon, Dixon, Fergusson, Fortier, Gamble, John, LeBlanc, LeBoutillier, Lemieux, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Ridout, Robinson, Rose, Seymour, Sicotte, Stevenson, Stuart,

Tessier, Varin, and Young.--(25.)

So it was resolved in the Affirmative.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Elgin and Kincardine,

The Governor General taking into consideration the long services of the late Lieutenant Colonel Antrobus, together with the destitution of his Widow and large family, recommends to the Legislative Assembly the appropriation of an annual Pension to his Widow for her life, not exceeding Two hundred pounds, currency, to commence from the date of the decease of her late husband.

Government House,

Quebec, 3rd November, 1852.

The Order of the day for the call of the House, being read;³¹

MR. PROV. SEC. MORIN said that as the call of the House was fixed for this day, it would perhaps, be as well to proceed with it, as it would put on record the fact that a considerable number of names were absent from some cause or other. At the same time he must say, that the object for which that call had been made, had completely failed; viz: securing the presence of a sufficient number of members to render it advisable to proceed with the Representation bill. Under the circumstances he would not move for the second reading of that bill.³²

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Ordered, That the House be now called over.

Ordered, That the Serjeant-at-Arms attending this House do go with the Mace,

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to the places adjacent, and summon the Members there to attend the service of the House:--And he went accordingly; and being returned;

The House was called over, and several of the Members appeared³³; and the names of such Members as made default to appear, were taken down, as follow:--

William Henry Boulton.

Louis Joseph Papineau.

Pierre Benjamin Dumoulin.

Antoine Polette.

Thomas H. Johnson.

John S. Sanborn.

Louis Lacoste.

James Smith.

Roderick McDonald

Henry Smith.

William Mattice.

Thomas C. Street.

Jean Baptiste Mongenais.

Joseph Edouard Turcotte.

Edmund Murney.

Michel F. Valois.

On motion of the Honorable Mr. Badgley, seconded by Sir Allan N. MacNab,

Ordered, That the 74th Rule of this House be suspended as regards the second reading of Private Bills this day.

The Order of the day for the second reading of the Bill to authorize the City of Montreal to raise a Loan to consolidate their debt, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to incorporate the Montreal Manufacturing Company, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Benevolent Society, under certain restrictions, rules and regulations therein mentioned," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act, intituled, "An Act to incorporate the Pilots for and above the Harbour of Quebec," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Friendly Society, under certain restrictions, rules and regulations therein mentioned," being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill for the granting of certain Lots in the Town of Bytown, to the Bytown and Prescott Railway Company, being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

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The Order of the day for the second reading of the Bill to vest in the Little Lake Cemetery Company certain allowances for Road[s] in the Park Lots of the Town of Peterborough, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to amend the Act incorporating Bishop's College, being read;

The Bill was accordingly read a second time; and ordered to be read the third time To-morrow.

The Order of the day being read, for resuming the adjourned Debate upon the Question which was proposed, on Wednesday the thirteenth of October last, That the Bill to incorporate the St. Mary's College of Montreal be now read a second time;³⁴

MR. YOUNG moved the second reading of his bill to incorporate the St. Mary's College of Montreal.³⁵

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And the Question being again proposed:--The House accordingly resumed the said adjourned Debate.

MR. BROWN said it was unnecessary to detain the House with any lengthened remarks. It was enough to say that this bill proposed to erect the Roman Catholic Bishop of Montreal, and three or four of his inferior clergy into a corpo-

ration, to carry on a Jesuit College at Montreal. It gave power to hold real estate to the value of £1,500 per annum, and personal property to any amount; it enforced no check as to the manner of acquiring property; it did not even provide any mode of enforcing the prescribed limit to the amount of real estate. He need not again remind the House of the rapidity, the dangerous rapidity, with which these corporations are yearly increasing, and the large amount of real estate being locked up in mortmain. It would, he thought, be strange if the Jesuits should at this time of day receive such an act of incorporation as this in Canada--driven out as they had been from every Roman Catholic country in Europe. He supposed it would pass, as usual,--but he would at any rate divide the House upon it.³⁶

MR. AT. GEN. DRUMMOND asked the hon. member for Montreal to postpone his bill until his (Mr. D.'s) general Act for such incorporations had been discussed.³⁷

MR. YOUNG declined doing so³⁸.

Plusieurs membres ... crièrent: "Appelez les membres."³⁹

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And the Question being put; the House divided:

Quelqu'un cria: "Le député de Norfolk n'a pas voté."⁴⁰

MR. COM. CR. LANDS ROLPH, appelé de tous côtés, se lève mystérieusement aux éclats de rires universels, et demande à l'orateur ce dont il s'agit.⁴¹

MR. J.S. MACDONALD the SPEAKER répond ... qu'il s'agit du bill pour l'incorporation du collège de Sainte-Marie, et qu'il lui faut voter pour ou contre le bill.⁴²

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and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cartier, Cauchon, Chabot, Solicitor General Chauveau, Clapham, Crawford, Dixon, Attorney General Drummond, Dubord, Fortier, Gouin, Jobin, Lemieux, Macdonald of KINGSTON, Sir A.N. MacNab, Marchildon, Merritt, Morin, Morrison, Ridout, Robinson, Shaw, Sicotte, Stuart, Varin, Viger, Willson, and Young.--(30.)

NAYS.

Messieurs Brown, Cameron, Christie of WENTWORTH, Hartman, Hincks, Malloch, Patrick, Rolph, White, and Wright of East Riding of YORK.--(10.)

*So it was resolved in the Affirmative.*⁴³

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to explain the Act, intituled, "An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemin, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester," being read;

Mr. Stuart moved, seconded by Mr. Clapham, and the Question being proposed, "That the Bill be now read a second time;

Mr. Lemieux moved in amendment to the Question, seconded by the Honorable Mr. Chabot, That the word "now" be left out, and the words "this day twelve months" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

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Then the main Question being put, That the Bill be now read a second time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to enable the Inhabitants of the Parish of St. François du Lac better to regulate the Common of St. François, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to divide the Common of Maskinongé among the Co-proprietors thereof, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds to consolidate the City Debt, and for other purposes, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill for the relief of John K. Roche, Esquire, Deputy Provincial Land Surveyor, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The Order of the day for the second reading of the Bill to authorize the Municipal Council of the Town of Amhestburg to sell the site of the Old Market in that Town, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

The House, according to Order, resolved itself into a Committee upon the Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Brown reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Brown reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the construction of a Railroad from Galt to Guelph; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Gamble reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Gamble reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to amend two certain Acts therein mentioned and for other purposes connected

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with the administration of McGill College; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Hartman reported, That the Committee had

gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Hartman reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Seymour reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Seymour reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Cobourg and Peterborough Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to amend the Laws concerning the Interest of Money, being read;

Ordered, That the Bill be read a second time on the fourteenth of February next.

The Order of the day for the third reading of the Bill to provide for the care of habitual Drunkards, and the custody and disposal of their effects, being read;

Ordered, That the Bill be read the third time on the fifteenth of February next.

Mr. Gouin, from the Committee to consider the expediency of amending the Acts providing for the improvement of the Harbour of Montreal, and for deepening Lake St. Peter, and improving the navigation of the River St. Lawrence between Quebec and Montreal, reported several Resolutions; which were read, as follow:--

1. Resolved, That it is expedient to amend and to consolidate as amended, the provisions of the several Acts now in force for the improvement of the Harbour of Montreal and for deepening Lake St. Peter, and improving the navigation of the River St. Lawrence between the said Lake and Montreal.

2. Resolved, That it is expedient to incorporate the Commissioners for the purpose aforesaid, to enlarge the limits of the Harbour of Montreal, and to transfer to the said Commissioners the powers now vested in the Trinity House of Montreal, as far as regards the said Harbour.

3. Resolved, That it is expedient to substitute a new Tariff of Wharf Dues for that now in force under the said Acts, and to make more complete provision for the collection of the said Dues, and as to the purposes for which they shall be applied.

4. Resolved, That it is expedient to authorize the said Commissioners to borrow a sum, not exceeding Ten thousand pounds, for constructing a Wharf at the foot of Monarque Street, and for making other unforeseen improvements in the said Harbour to meet the exigencies of the Trade, and defraying the cost of a Steam Dredging Vessel and Scows: the said sum to be borrowed at any rate of interest

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not exceeding eight per cent, but on the best terms on which the Commissioners can obtain it,--and the payment of the principal and interest of the said sum not to be guaranteed by the Province, but to be paid out of the Wharfage Dues and Revenues of the said Harbour.

5. Resolved, That it is expedient to authorize the said Commissioners to borrow a further sum of Forty thousand pounds, (over and above any sum they are empowered to borrow by any Acts now in force,) for defraying the cost of deepening Lake St. Peter and improving the Channel of the River St. Lawrence from the said Lake to Montreal; the said sum to be borrowed at any rate of interest not exceeding eight per cent per annum, but on the best terms on which the Commissioners can obtain it; and the payment of the principal and interest of the sum so borrowed not to be guaranteed by the Province, but to be paid out of the proceeds of a Tonnage Duty not exceeding one shilling per ton, on the registered Tonnage of all Vessels passing Lake St. Peter and drawing ten feet of water or upwards, and payable for each time of passing, and the surplus of the other monies arising from the said Harbour, after paying all charges thereon.

The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Young have leave to bring in a Bill to provide for the improvement and enlargement of the Harbour of Montreal, and for the deepening of Lake St. Peter, and the improvement of the navigation of the St. Lawrence between the said points, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Mr. McDougall, from the Committee to consider the expediency of raising by Assessment from the Catholic Inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, the sum of Five thousand pounds, currency, payable in six years, at the rate of one-sixth per annum, to be delivered and paid over to the Bishop of Three Rivers, to aid in the liquidation of the expenses to be incurred in the erection of a Cathedral Church in the said Parish, to be also used as a Parish Church, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to raise by Assessment from the Catholic Inhabitants of the Parish of the Immaculate Conception of the Blessed Virgin at Three Rivers, the sum of Five thousand pounds, currency, payable in six years, at the rate of one-sixth per annum, to be delivered and paid over to the Bishop of Three Rivers, to aid in the liquidation of the expenses to be incurred in the erection of a Cathedral Church in the said Parish, to be also used as a Parish Church.

MR. BADGLEY (in the absence of Mr. Polette) moved the ... [said] resolution⁴⁴.

MR. BROWN called the attention of the House to the extraordinary resolution proposed for their adoption. It was no less than a demand that certain inhabitants of Three Rivers should be taxed to build a church. (Cries of "They ask for it.") No, they do not ask for it. A few individuals asked for it; but what right had they to speak for the whole Roman Catholic population? And if they had such a right, what title had the law to interfere in such a matter? If Parliament could levy a tax, to build a church, upon a portion of the inhabitants it could levy such taxes upon the whole people. It was a mere matter of discretion on the part of the legislators for the time being. It was always contended that there was no connection between Church and State in Canada; but what could constitute so direct a connection between them as the imposition of a direct tax by the latter for the support of the former? Reserves, Rectories,

and Sectarian Schools were bad enough; but it must be confessed that this was a step quite in advance; and one, too, altogether novel, even in that House. If the Roman Catholics desired this tax, they could pay their money without any law; if they did not wish it, the idea of forcing them to do so was monstrous. And to whom was this tax to be paid? To "the Bishop of Three Rivers!" Who might he be? (Uproar.)⁴⁵

DR. FORTIER.--The Bishop!⁴⁶

MR. BROWN.--Bishop of what? The first Bishops were Government Inspectors--Inspectors of provisional rank; what is this gentleman inspector of? By what right does any one assume a territorial title of this kind? (Ironical cheers from the French members.) Could it be possible that this was a title just given to one of his followers by the Bishop of Rome; and that the House was asked in this insidious way to legalize it?⁴⁷

MR. BADGLEY explained, that the words "Roman Catholic" would be inserted before the word "Bishop".⁴⁸

MR. BROWN said, very well; that was something gained; but he was opposed to the whole scheme. There was a feature in it which did not appear on the face of the resolutions; but which, in his opinion, rendered it still more inexpedient to adopt them. It seemed, that by common law of Lower Canada all church property was vested in the laity of the parish, or in wardens acting for them. This new Bishop, fresh from Rome, proposed that the title of the Church about to be built should be vested in him, as a dignitary of Rome; and, as a bait to secure his end, he said to the people, this church will cost six or seven thousand pounds; if you keep the title in the people, you must pay all the money, but if you will deed it to me, I will find all the money over £5,000 which may be needed. (Hear, hear.) He (Mr. Brown) held it of the utmost importance that all church property should be vested in the laity of any church, and especially of the Church of Rome, and he thought the House should not consent to the public being divested of so efficient a check over the proceedings of the clergy. The proposal was altogether new--quite unprecedented even in Canadian legislation. It was, doubtless, just another step in that aggressive policy, for the aggrandizement of their sect, which the Roman hierarchy had been pursuing of late years. It would be interesting to see how the Protestants would vote upon it; and especially those Upper Canada Voluntaries whose promises and professions at the hustings were so fresh in the public mind. He supposed the ministerial majority would carry the resolutions; but he would have the yeas and nays recorded upon it.⁴⁹

A little further discussion [ensued.]⁵⁰

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*The Honorable Mr. Badgley moved, seconded by Mr. Short, and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow:--*⁵¹

YEAS.

Messieurs Badgley, Burnham, Cameron, Attorney General Drummond, Dubord, Fortier, Gamble, Gouin, Hincks, Jobin, Lemieux, Macdonald of KINGSTON, McDougall, McLachlin, Morin, Poulin, Ridout, Robinson, Rose, Short, Stevenson, Stuart, Taché, Tessier, and Wright of West Riding of YORK.--(25.)

NAYS.

Messieurs Brown, Malloch, Marchildon, and Patrick.--(4.)
So it was resolved in the Affirmative.

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The Order of the day for the second reading of the Bill to increase the Jurisdiction of the County Courts in Upper Canada, to amend the Acts regulating their practice, expediting and simplifying the proceedings of the said Courts, and for the settlement of disputes without litigation, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to prevent the deterioration of lands and hereditaments charged with hypothecs, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to increase the Jurisdiction of the Division Courts of Upper Canada, being read;

MR. ROBINSON, seconded by Mr. Seymour, moved that the said Bill be now read a second time--and in doing so he would only state that the measure was petitioned for by the Municipal Council of the County of Simcoe. The Bill increasing the jurisdiction of that Court to £25 gave great satisfaction throughout Upper Canada, and a further increase to £30, the same as in England, would also be generally approved of. He (Mr. R.) merely wished to have the Bill read a second time, in order that he might refer it to a committee which would consider several amendments he had received from County Judges and others.⁵²

MR. INSP. GEN. HINCKS objected. The bill was opposed, and would lead to a long debate,--and if the mover persisted, he (Mr. H.) would move to read it this day six months.⁵³

MR. ROBINSON said he could not consent to withdraw his motion. And if he (Mr. H.) chose to take the responsibility of throwing out the measure, he must satisfy the country and his constituents for so doing.⁵⁴

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The Honorable Mr. Robinson moved, seconded by Mr. Seymour, and the Question being proposed, That the Bill be now read a second time;

The Honorable Mr. Hincks moved in amendment to the Question, seconded by the Honorable Mr. Attorney General Drummond, That the word "now" be left out, and the words "on the fifteenth of February next" added at the end thereof;

MR. ROBINSON ... demanded ... a division.⁵⁵

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And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to abolish the Rectories, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to facilitate the recovery of just debts due by Incorporated Companies, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to incorporate the Sisters of Charity at Quebec, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to provide for the more speedy Distribution of the Statutes, being read;

Mr. Tessier moved, seconded by Mr. Jobin, and the Question being proposed, That the Bill be now read a second time;

The Honorable Mr. Attorney General Drummond moved in amendment to the Question, seconded by the Honorable Mr. Hincks, That the word "now" be left out, and the words "on the fifteenth of February next" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to repeal such Clauses of the Common School Acts of Upper Canada as authorize the establishment of Sectarian Schools endowed with the public money, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to restrain the manufacture, sale, and importation of intoxicating Liquors in certain cases, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

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The Order of the day for the second reading of the Bill for the registration of Births, Marriages, and Deaths, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill for the regulation of Marriages, and to place upon a footing of equality the several Religious Denominations relative to the solemnization or celebration of Matrimony, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to abolish the Office of Queen's Printer, and to provide for the public printing and legal advertizing, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the House in Committee on the Bill to confer Equity Jurisdiction upon the several County Courts in Upper Canada, and for other purposes therein mentioned, being read;

Ordered, That the said Order of the day be postponed until the fifteenth of February next.

The Order of the day for the House in Committee on the Bill to amend the Registry Laws of Upper Canada, being read;

Ordered, That the said Order of the day be postponed until To-morrow.

The Order of the day for the second reading of the Bill to vest in certain Inhabitants of the Township of Moore, a Road allowance therein, and to establish a new Road in lieu thereof, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend and explain the Ordinance concerning the registration of hypothecs in Lower Canada, being

read;

Mr. Lemieux moved, seconded by Mr. Mackenzie, and the Question being put, That the Bill be read a second time To-morrow;

Mr. Stuart moved in amendment to the Question, seconded by Mr. Patrick, That the word "To-morrow" be left out, and the words "on the fifteenth of February next" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend the Act prohibiting the hunting and killing of Deer and other Game within this Province, at certain seasons of the year, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill extending to persons charging or charged with Criminal Offences, the right of being assisted by Counsel, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to abolish the right of Primogeniture in the succession to Estates held in Free and Common Socage in Lower Canada, and to provide for the succession to such Estates, being read;

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Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to amend the Act therein mentioned for the protection of Indians in Upper Canada, by repealing the third Section thereof, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to incorporate La Congrégation des Hommes de Ville Marie, in the City of Montreal, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to authorize Cities and Towns to establish and maintain Public Libraries, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to explain part of a certain Act therein mentioned, and to define what persons shall have the right to vote at the Election of Members of the Legislative Assembly to represent the Cities of Quebec and Montreal, and the Town of Three Rivers, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to enforce the Registration of all Titles to Lands in the Townships of Lower Canada, being read;

Ordered, That the Bill be read a second time on the eighteenth of February next.

The Order of the day for the second reading of the Bill to amend the School Law of Lower Canada, and to repeal certain parts thereof, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to amend the Act 14 & 15 Vic. cap. 126, intituled, "An Act to amend an Act, intituled, 'An Act to compel Vessels to carry a Light during the Night, and to make sundry provisions to regulate the navigation of the waters of this Province,'" being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to make better provision for the collection of Claims against the Owners of Vessels, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the House again in Committee on that part of the Report of the Commissioners of Public Works for the year 1851, relating to the opening of a Canal between the St. Lawrence and Lake Champlain, being read;

Ordered, That the said Order of the day be postponed until the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend the Act of 10 & 11 Vic. cap. 23, relative to Masters and Servants, and to extend the provision thereof to Mechanics and others, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to incorporate a Company for navigating upon the St. Lawrence, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

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The Order of the day for the House in Committee to take into consideration certain Resolutions relative to the employment of Steam Tug Boats on the River St. Lawrence, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to amend the Law relating to the University of Toronto, by separating its functions as a University from those assigned to it as a College, and by making better provision for the management of the Endowments thereof, and that of Upper Canada College, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to regulate the proceedings relative to the seizure of Real Property in cases of Folle Enchère, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to facilitate the discharge of hypothecs, charges and servitudes on Real Property, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to repeal so much of the Act providing for the optional commutation of the Tenure of Lands in the Fiefs and Seigniories of Lower Canada, as allows the commutation of the right of lods et ventes without the commutation of the other Seigniorial rights on

the same lands, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes, being read;

Ordered, That the Bill be read a second time To-morrow.

The Order of the day for the second reading of the Bill to improve the Law of Evidence in Lower Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to remove doubts regarding the right and liability of Foreign Executors, Administrators and Corporations to sue and be sued in Lower Canada, and for other purposes, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Robinson, seconded by Mr. Fournier,
The House adjourned.

[NOTICE OF MOTION RE: STEAM LINE TO LIVERPOOL.]⁵⁷

MR. COM. PUB. WORKS CHABOT [gave notice that] on Friday next [he would move for a] Committee of the Whole--to take into consideration the following Resolutions:--

1. That it is expedient to establish a Line of Screw Steam Vessels, to run between the ports of Liverpool in England, and Quebec and Montreal in this Province, once in every fortnight, during the navigation of the River St. Lawrence, and between the said ports of Liverpool and Halifax, in Nova Scotia, and Portland in the United States of America, once in every month in the winter season.

2. That it is expedient to appropriate a sum not exceeding nineteen thousand pounds sterling, per annum for seven years, commencing on the 1st May next, to carry the above resolution into execution.

3. That it is expedient that the said Steam Vessels should be exempted from the payment of all Light dues or other Provincial imports on the River St. Lawrence.⁵⁸

[NOTICE OF MOTION RE: DISPUTED BOUNDARIES.]

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill to provide for [the] final adjustment of Disputed Boundaries.⁵⁹

[NOTICE OF MOTION RE: SALE AND SETTLEMENT OF PUBLIC LANDS.]⁶⁰

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill to amend the law for the Sale and Settlement of the Public Lands.⁶¹

[NOTICE OF MOTION RE: COLLECTION OF DUES ON CROWN TIMBER.]⁶²

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill to amend the law for the better protection of Crown Timber, and for the collection of Crown dues thereon.⁶³

[NOTICE OF MOTION RE: ROAD ALLOWANCE IN MONAGHAN TOWNSHIP.]

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill to confirm a certain allowance for Road[s] in the Township of Monaghan, and to provide for the compensation of persons suffering loss by the confirmation of such allowance.⁶⁴

[NOTICE OF MOTION RE: SOLEMNIZATION AND REGISTRATION OF MARRIAGE.]

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill to amend the law with respect to the Solemnization and Registration of Marriage.⁶⁵

[NOTICE OF MOTION RE: BETTER MANAGEMENT OF LUNATIC ASYLUM.]

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill for the better management of the Lunatic Asylum.⁶⁶

[NOTICE OF MOTION RE: ESTABLISHMENT OF LOT AND GORE BOUNDARIES IN BEVERLY.]

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill to establish the boundaries of the Lots and Gores of Land in the 6th, 7th, 8th, 9th, and 10th Concessions, and the West Gore, in the Township of Beverly; and also, to provide a mode for compensating such persons as have suffered or may suffer loss in consequence of the original project of survey having been departed from.⁶⁷

[NOTICE OF MOTION RE: SETTLERS IN NORTHERN ALBORO.]

MR. COM. CR. LANDS ROLPH [gave notice that] on Friday next [he would introduce a] bill, "For confirming as far as practicable the Occupants of Land in the northern part of the Township of Alboro, in the possession of the lands upon which they have improved, and for remedying the difficulties which have arisen from certain irregular Surveys therein; and also, for providing a mode of compensating those whose interest may be prejudiced thereby."⁶⁸

[NOTICE OF MOTION RE: DIVISION COURT ACT, UPPER CANADA.]

MR. AT. GEN. RICHARDS [gave notice that] on Friday next [he would introduce a] bill to amend the Division Court Act for Upper Canada.⁶⁹

[NOTICE OF MOTION RE: SUPERIOR COURTS IN UPPER CANADA.]

MR. AT. GEN. RICHARDS [gave notice that] on Friday next [he would introduce a] bill to distribute the business of the Superior Courts of Law in Upper Canada.⁷⁰

[NOTICE OF MOTION RE: CONSIDERATION OF GOVERNOR GENERAL'S SPEECH.]⁷¹

MR. INSP. GEN. HINCKS [gave notice that] to-morrow [he would move] that the speech of His Excellency, the Governor General, delivered to both Houses of the Provincial Legislature, at the opening of the present Session, be taken into consideration.⁷²

[NOTICE OF MOTION RE: TRANSFER OF REGISTRY OFFICE FROM TERREBONNE TO STE. THERESE.]⁷³

MR. PROV. SEC. MORIN [donna avis que] lundi prochain [il proposera un] bill pour transférer le bureau d'enregistrement pour le comté de Terrebonne, de Terrebonne à Ste. Thérèse où il était originairement.⁷⁴

FOOTNOTES: 3 NOVEMBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 4 November 1852, QUEBEC GAZETTE, 5 November 1852, MONTREAL GAZETTE, 6 November 1852, BRITISH COLONIST, 9 November 1852, PILOT, 9 November 1852, NORTH AMERICAN SEMI-WEEKLY, 23 November 1852, and NORTH AMERICAN WEEKLY, 25 November 1852. The debate was also reported by HAMILTON SPECTATOR WEEKLY, 11 November 1852.
2. HAMILTON SPECTATOR WEEKLY, 11 November 1852.
3. MORNING CHRONICLE, 4 November 1852.
4. IBID.
5. The debate on this matter was reported by GLOBE, 16 November 1852. The following papers noted the debate in partially identical accounts: MORNING CHRONICLE, 4 November 1852, QUEBEC GAZETTE, 5 November 1852, MONTREAL GAZETTE, 6 November 1852, BRITISH COLONIST, 9 November 1852, NORTH AMERICAN SEMI-WEEKLY, 23 November 1852, and NORTH AMERICAN WEEKLY, 25 November 1852; BRITISH WHIG, 5 November 1852, HAMILTON SPECTATOR DAILY, 5 November 1852, MONTREAL GAZETTE, 5 November 1852, GLOBE, 6 November 1852, OTTAWA CITIZEN, 6 November 1852, PILOT, 6 November 1852, EXAMINER, 10 November 1852, and BATHURST COURIER, 12 November 1852. The debate was also noted by HAMILTON SPECTATOR WEEKLY, 11 November 1852.
6. GLOBE, 16 November 1852.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. MORNING CHRONICLE, 4 November 1852.
27. GLOBE, 16 November 1852.
28. MORNING CHRONICLE, 4 November 1852.
29. GLOBE, 16 November 1852.
30. MORNING CHRONICLE, 4 November 1852.
31. The call of the House was reported by GLOBE, 16 November 1852. It was also noted by HAMILTON SPECTATOR WEEKLY, 11 November 1852.
32. GLOBE, 16 November 1852.
33. GLOBE, 16 November 1852, reported that "sixty-seven members answered to their names."
34. The following papers reported the debate on this matter: GLOBE, 16 November 1852; and JOURNAL DE QUEBEC, 4 November 1852 (which also contained a commentary).

35. GLOBE, 16 November 1852.
36. IBID.
37. IBID.
38. IBID.
39. JOURNAL DE QUEBEC, 4 November 1852.
40. IBID.
41. IBID.
42. IBID.
43. JOURNAL DE QUEBEC, 4 November 1852, commented that when members were called, Mr. Rolph "alla s'asseoir derrière la colonne qui lui servit presque d'un écran parfait [et] paraissait profondément engagé dans une conversation intéressante avec sir Allan MacNab....Après bien des hésitations, il vota mais il parla si bas que personne ne l'entendit."
44. GLOBE, 18 November 1852.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. GLOBE, 18 November 1852, noticed "a number of members clearing out before the division."
52. GLOBE, 18 November 1852.
53. IBID.
54. IBID.
55. IBID.
56. JOURNAL DE QUEBEC, 4 November 1852, expressed its surprise at the volume of business typographically: "L'honorable M. Rolph a donné avis de l'introduction de HUIT bills....L'honorable M. Richards a donné pareillement avis de l'introduction de CINQ bills."
57. This notice of motion was reported by BRITISH COLONIST, 12 November 1852. It was also noted by JOURNAL DE QUEBEC, 4 November 1852.
58. BRITISH COLONIST, 12 November 1852.
59. IBID.
60. This notice of motion was reported by BRITISH COLONIST, 12 November 1852. It was also noted by JOURNAL DE QUEBEC, 4 November 1852.
61. BRITISH COLONIST, 12 November 1852.
62. This notice of motion was reported by BRITISH COLONIST, 12 November 1852. It was also noted by JOURNAL DE QUEBEC, 4 November 1852.
63. BRITISH COLONIST, 12 November 1852.
64. IBID.
65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. This notice of motion was reported by: BRITISH COLONIST, 12 November 1852; and LE PAYS, 8 November 1852.
72. BRITISH COLONIST, 12 November 1852.
73. This notice of motion was reported by: HAMILTON SPECTATOR WEEKLY, 25 November 1852 (which misdated its account as 30 October 1852); and LE PAYS, 8 November 1852.
74. LE PAYS, 8 November 1852.

THURSDAY, 4 NOVEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Cameron,--The Petition of William Walsh and others, inmates of the Toronto Gaol.

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By Mr. Brown,--The Petition of Messieurs Daniel MacNab and Company, and others, of the City of Hamilton; and the Petition of James Wylie and others, of the Township of Ramsay.

By Mr. Cartier,--The Petition of J.B. Plamondon and others, of the Parish of St. Hyacinthe.

By Mr. Dixon,--The Petition of Henry Boyd, of the Town of London.

By Mr. Ridout,--The Petition of Thomas Christie and others, Settlers of the Canada Company's Huron Tract.

By Mr. McDougall,--The Petition of the Reverend David Dunkerley and others, of Durham, County of Drummond.

By Mr. Dubord,--The Petition of the Council of the Quebec Board of Trade.

Pursuant to the Order of the day, the following Petitions were read:--

Of W.H. Lemoine, Esquire, and others, of Côte de Beaupré, County of Montmorency; praying a certain amendment to the 8th and 9th Sections of the Act 13 & 14 Vic. cap. 40, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture."

Of William H. Smith, of the Village of Yorkville, County of York; praying the House to aid him by a grant of money, or by taking a certain number of copies of his Work entitled, "Canada: Past, Present, and Future."

Of the Municipal Council of the County of Simcoe; praying for certain amendments to the Assessment Law.

Of the Municipal Council of the County of Simcoe; praying that the Municipal Corporations Amendment Act may be so amended as to place Township lines not assumed by County Councils, under the management of Township Municipalities.

Of J.H. Thompson and others, of the Township of Brock, County of Ontario; praying for the passing of an Act or Acts of Incorporation for the construction of a Railway from Belleville, through Peterborough, to Lindsay in the Township of Ops, with Branch Railways therefrom to the Georgian Bay and Toronto.

Of John Carden and others, of the Parish of St. Paul d'Abbotsford, County of St. Hyacinthe; praying that the said Parish may be annexed to the proposed new County of Rouville.

Of Louis Célestin Lefrançois, of the County of Montmorency, Esquire; praying for permission to produce certain Witnesses to be examined at the Bar of the House in his behalf, touching the complaint made against him by Joseph Cauchon, Esquire.

Of Colin McKenzie and others, of the Township of Williams; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service.

Of the Municipal Council of the Town of Guelph; taking notice of the Bill to enlarge the Representation of the People of this Province in Parliament, and praying that in the changes proposed by the said Bill, the said Town may remain with the County of Wellington for electoral, as it does for all other purposes.

Of H. Mittleberger and others, of the Town of St. Catherines; praying that any Bill introduced with provisions similar to the Law known as the Maine Liquor Law, may not pass.

Of Louis Vincent, late of the Village of L'Ancienne Lorette, now of Murray

Bay, Huron; praying a pension in consideration of his services and sufferings during the late War with the United States, and of his present helplessness by reason thereof.

Mr. Stevenson, from the Standing Committee on Printing, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

Your Committee beg leave to recommend to Your Honorable House, with reference to certain documents laid before the House during the present Session, viz.: "Tables of the Trade and Navigation of the Province of Canada, for the

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year 1851," and the "Public Accounts," and printed in extra copies for the Journals or Appendix, prior to the order for changing the form of the same to royal octavo, that the said Tables be not re-printed, but be stitched and distributed with the Appendices, in their present folio form, and that the extra copies of the Public Accounts in folio form, be stitched and distributed to the Members of the House as other printed Sessional papers.

The attention of Your Committee has also been drawn to two documents, viz: Return to an Address for Correspondence relative to the projected Railway from Quebec to Halifax, and Return to an Address for Copies of appointments as ad hoc Judges in the Court of Queen's Bench in the place of Judges lawfully excused, disqualified, &c., which will form a part of the Appendix; and they beg to submit the following recommendations in relation thereto:--

That with reference to Commissions under the Great Seal, appointing Judges ad hoc in certain cases, forming part of the last Return, (Appendix K.K.K.) the following portions thereof only be printed in the Appendix:

- 1st. The names of the Judges ad hoc.
- 2nd. The names of the Parties in the Cause.
- 3rd. The names of the Judges disqualified.
- 4th. The date of the Instrument.

And that any Instrument revoking any of the above Commissions be printed at full length.

And that no document, map, or paper, in the first Return, (Appendix Z.) which have been already printed in the Journals of this House, or in the Statutes of this Province, or in the Statutes of New Brunswick or Nova Scotia, be re-printed in the Appendix to the Journals of the present Session, but only the titles of such documents, maps, or papers.

Mr. Malloch, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Twelfth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations,--and the Bill to incorporate the St. Mary's College of Montreal; and have agreed to report the said Bills without amendment.

They have also examined the Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough, and have agreed to certain amendments, which they beg to submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate the St. Mary's College of Montreal, be read the third time To-morrow.

The Honorable Mr. Robinson reported from the Select Committee on the Bill to incorporate the Carouge Pier, Wharf, and Dock Company, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Bill and Report be committed to a Committee of the whole House, for To-morrow.

Ordered, That the Bill to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations, be read the third time To-morrow.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph

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Lines, presented to the House the Seventh Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to amend the Act incorporating the Toronto, Simcoe, and Huron Union Railroad Company, and have agreed to several amendments, all which they humbly submit for the consideration of Your Honorable House.

Ordered, That the Fifth Report of the Standing Committee on Printing be printed for the use of the Members of this House.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act for confirming the Title of the Agricultural Society of the United Counties of Middlesex and Elgin to a certain tract of Land therein mentioned, and for other purposes relative to the same;" and the same were read, as follow:--

Page 2, line 35. Leave out "the" where it occurs the first time, and insert "this."

Page 2, line 50. After "land" insert "with the exception of so much thereof as may have been already conveyed by the said Council of the said United Counties to the Great Western Railway Company."

Page 3, line 20. Leave out "County" and insert "United Counties."

Page 3, line 29. Leave out from "Middlesex" to the end of the Bill.

The said Amendments being read a second time; and the Question being put, That this House doth agree with the Legislative Council in the said Amendments; the House divided:

Yeas, 18.

Nays, 26.

So it passed in the Negative.

Ordered, That the Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House, for To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de La Baie," without any Amendment: And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Law relating to the Recorder's Court of the City of Montreal," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to amend the Law relating to the Recorder's Court of the City of Montreal," was read the first time.

On motion of the Honorable Mr. Attorney General Drummond, seconded by the Honorable Mr. Hincks,

Ordered, That the Bill be read a second time To-morrow.

MR. MACKENZIE¹ moved that the House should to-morrow² resolve itself into a Committee of the Whole, to consider a Resolution for an Address to Her Majesty, praying for the restoration to their country of William Smith O'Brien, John Frost, and their Irish and Welsh colleagues, now in exile for having taken part in the political troubles of a less tranquil era than the present. He said there would doubtless be a difference of opinion on the subject of the resolution; and before he proceeded with his remarks, he would read the resolution and address which he intended to submit.³ [He read] the following resolution....That an humble address be presented to Her Majesty, to implore Her Majesty to grant to Messieurs William Smith O'Brien, Francis T. Meagher, John Martin, John Mitchell, O'Doherty, McManus, and to John Frost, Zephaniah Williams and William Jones, who were convicted of being concerned in the insurrection in Wales in 1839, her Majesty's most gracious amnesty and forgiveness, and to restore them to their country, and to their families, from whom they have been separated during weary years of exile, privation and severe suffering: That united as our destinies are with those of a powerful and magnanimous nation, and blessed as the British Empire is, with peace and tranquility both at home and abroad, this House would fain hope that the time has at length come in which an amnesty for past political offences in Ireland and Wales, can be safely granted by the Crown.

[He] went over the wrongs of Ireland in a long speech⁴. He then went into a history of Smith O'Brien and other parties connected with the rebellion in Ireland, and the disturbance in Wales, which led to the transportation of Frost and others. He said he would not express an opinion of their conduct; that he would leave to the historian, who would be exempt from the excitement of the present day. He referred to the action of the United States on the subject, Sir John Franklin, and everything which had the most distant allusion to the matter in hand; and concluded by stating that he did not wish the House to go into Committee at that time; and reflected severely upon Mr. Hincks, because he enquired if there were a seconder to his motion.⁵ He called especially on Mr. Hincks for his support, as an Irishman, on this occasion, and made quotations of great length from several documents⁶.

DR. FORTIER called the hon. member to order, and appealed to the generosity of the hon. member whether he should thus take up the time of the House at such a period of the session with the wrongs of Ireland, with which they were all acquainted as well as the hon. member.⁷

MR. INSP. GEN. HINCKS, in reply, said, that the member for Haldimand had thought proper to refer specially to him, and the course that it was anticipated he would take. As to his coldness of heart and want of feeling, of these he would leave his countrymen to judge; but he was not one of those who thought it advisable for Irishmen⁸ to allow themselves to be made tools of on all occasions by those who desired to make use of them⁹ for political purposes. After watching what took place in the United States, he had no hesitation in saying, that party politicians, who care as much for Irishmen as the member for Haldimand does, avail themselves of similar means for the purpose of obtaining their votes as political capital; and that gentleman he considered as being actuated by the same views, and with the object of making political capital for himself. He might be wrong in attributing such motives to the member for Haldimand, yet he felt satisfied that others who pursued a similar course were actuated by such motives as he had referred to. He had never, he said, been one of those, nor did he deem it right, on account of national origin, to bring up questions with which the people of this Province have nothing to do. And he had another reason for opposing such a procedure. He was most anxious, if the advisers of the Crown could adopt such a course, that the clemency of the British Government should be extended to the persons alluded

to, and would view such a proceeding with as much satisfaction as the member for Haldimand. But he happened to be of the opinion and belief, that no course could be more injurious, than that a gentleman occupying the position he did, should come forward with any address of the kind; and if he had reflected more, it would have forced the conviction on his mind, that a movement on his part would not subserve the cause of the exiles. He believed the motion could be productive of no good result, it being entirely out of place, and not calculated to produce any beneficial result whatever; and as he had said before, he objected to questions of that kind being made political capital of by either party. As to one of the individuals alluded to, he happened to have been well acquainted with his father in early life, and was partially acquainted with the son; and knew them to be of the highest respectability. That, however, had nothing to do with the question, which was, whether it was expedient on the part of the House to interfere? and, secondly, if a motion made in the way it had been would answer any purpose? As to the appeal that had been made with reference to occupying the time of the House with such subjects at this particular juncture¹⁰; the hon. member for Nicolet must know very little of the hon. member for Haldimand if he appealed to his generosity.¹¹ That gentleman had not as much experience as to the member for Haldimand as he had, or he would be aware that, although it might be risking measures in which the people took the greatest interest, yet that would not prevent the member for Haldimand from taking his own course, and obstructing the business of the House as much as he could.¹² [Mr. Mackenzie] would sacrifice the most important interests of the session for the sake of his own particular purposes.¹³

COL. PRINCE said, whatever might be his feelings personally, he could not vote for the motion before the House; and he would show in a few words, that those for whose benefit it was professedly intended, could not have had a worse advocate than a man who on all occasions advocated rebellion. Had he said that the parties had relented, and admitted it to be wrong to violate the laws of their country, some members might have voted for the resolution. But he had done no such thing; he had listened attentively, and the whole scope of the arguments of the member for Haldimand, was to approve of the course they had pursued.¹⁴

MR. MACKENZIE said, he could not sit still, and hear himself misrepresented. He had carefully abstained from expressing an opinion on the subject which he left for the historian; and, (turning round to the Reporters' box,) he denounced those gentlemen as imbeciles, who had put a speech of Mr. Papineau into his mouth, when he spoke on the opposite side of the question, and whom he described as totally unfit for the performance of the duties which they assumed.¹⁵

COL. PRINCE continued--It was something new, he said, to see the member for Haldimand in a passion; but, he would ask, what was the use in troubling Parliament with such questions. The member for Haldimand had alluded to the exertions that had been made in the United States and other parts of the world; and the answer which had been received was, that it was not deemed proper to set Smith O'Brien and the others at liberty at present. Would it not be deemed troublesome, when such had been the result of powerful appeals elsewhere, if the House were to interfere in the matter? He knew something of Smith O'Brien, who is a man of inferior parts, as a member of the House of Commons, and who knew so little of his parliamentary duties, that he had been sent to jail for refusing to serve on a Committee. The member for Haldimand had abused his (Col. P.'s) country for the enactment of laws under different circumstances than those of the present day--those which had been enacted lately being extremely merciful; he had also assaulted the Jury who tried O'Connell, and had said the Crown Officers acted partially. The jury was not packed; and the

sentence was not reversed, because they had given a wrong verdict; but because the judge had neglected to inform them, and who received a general verdict, when it should have been guilty on some counts, and an acquittal [sic] on others. That was the reason why O'Connell was set at large. The Crown Officers had acted properly in exercising the right of challenge. Had the member for Haldimand been tried formerly for treason, would he not have objected to a High Tory being on the jury? On what principle, then, did he censure the Crown Officers, for availing themselves of the privilege of exercising the same right. It was really painful, he said, to dwell on those subjects. The member for Haldimand appears, never to be happy unless he is meddling with rebellion, renewing old sores, and reviving matters that had better be buried in oblivion.¹⁶

MR. AT. GEN. DRUMMOND felt as much sympathy for¹⁷ Ireland¹⁸ as the member for Haldimand, but he thought the best course to express them would be [sic] for the House to interfere at the present time, when they ought not to enter upon such a discussion as had taken place. If that gentleman had considered his own position and wished to assist those unfortunate men, and if he calculated upon the sympathies of the member for Hamilton, to whom he had referred, he could have got the gallant Knight to aid him by inducing him to submit the motion which was before the House. He could not vote for the purpose of seeking popularity, and therefore should not vote for the motion.¹⁹ Supposing he said ironically that he felt the interest for these unfortunate men which the hon. member felt, he would still not vote for a motion, which he felt would do more harm to Smith O'Brien and the rest of the exiles than any other thing-- and it would do them harm to show that the Parliament of Canada could be driven at such a period of the session to such a purpose. But²⁰ he never, he said, had any sympathy for the cause to which Smith O'Brien and the other gentlemen were engaged, nor for any cause which could be viewed in the light of red republicanism²¹, nor republicanism at all²², and was glad of that opportunity to repel an accusation that had been made the other day, that he was now in favour of monarchical institutions and was formerly for republicanism. When he entered life, he felt that the Reform party had been injured by a party who went to extremes, and did everything in his power to prove that all that was wanted was the advantages and blessings of the constitution of England.²³ He loved the British constitution and advocated repeal because he thought that would give that blessing to Ireland.²⁴ He was decidedly in favour of a repeal of the union for the same cause that he desired responsible government in Canada, and he left the repeal association, after fully expressing his views, because there was a large party in favour of extreme measures. He sympathized with those individuals personally, who, while they were desirous of doing good, produced a great deal of evil, and brought O'Connell to his grave, and who, instead of resting on the constitution in their struggle for freedom, resorted to arms. He repeated that he sympathized with those persons, and would do anything to restore them to their country; but the Parliament of Canada should refuse to adopt a course which could produce no beneficial result, and to sanction a proposition coming from the member for Hamilton, and which was accompanied by a speech which was anything but conciliatory. He believed the grievances of Ireland constituted the great difficulty with which the British Government had to contend, and which they were anxious to redress. Entertaining these views, he should not shrink from the responsibility of voting against the motion²⁵ of the hon. member for Haldimand.²⁶

MR. MACKENZIE denied the accusation of the Inspector General, that he made this motion with a view to political capital. He said, that there was no act of his life in which he was more sincere. He was astonished to hear the Attorney General East, say that he was opposed to republicanism, after he supported an

elective Legislative Council. He said he was accused of impeding the business of the country by the member for Essex, Col. Prince; but he could tell that gentleman that he would not vote for an adjournment for three months, to give the ministry an opportunity to get over their difficulties. He complained that the reporters did not do him justice, in not reporting all he said. He denied that he was talking for bunkum; he was talking what he believed was true, and what he felt it his duty to say.²⁷

MR. R CHRISTIE, of Gaspé, had no doubt that Smith O'Brien was an excellent character in private life, and he should like to have him among them. He asked to know from the Speaker, whether it would be in order to move in amendment to exchange the member for Haldimand for that gentleman. He (Mr. C.) had voted in favour of the amnesty which brought the hon. member back to this Province; but if he had been aware that he would have given the House as much trouble as he had done, it should never have had his assent. He believed the Province would be the gainer were half a million voted to get him out of the country.²⁸

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Mr. Mackenzie moved, seconded by Mr. Tessier, and the Question being put, That this House will, To-morrow, resolve itself into a Committee to consider a Resolution, That an humble Address be presented to Her Majesty, to implore Her Majesty to grant to Messieurs William Smith O'Brien, Francis Thomas Meagher, John Martin, John Mitchell, O'Doherty, McManus and O'Donohue, and their asso-

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ciates, who were convicted of being concerned in the Insurrection in Ireland, in 1848, and to John Frost, Zephaniah Williams and William Jones, who were convicted of being concerned in the Insurrection in Wales, in 1839, Her Majesty's most gracious amnesty and forgiveness, and to restore them to their country, and to their families, from whom they have been separated during weary years of exile, privation and severe suffering: That united as our destinies are with those of a powerful and magnanimous Nation, and blessed as the British Empire is with peace and tranquillity both at home and abroad, this House would fain hope that the time has at length come in which an amnesty for past political offences in Ireland and Wales, can be safely granted by the Crown; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Cauchon, Gouin, Jobin, Laurin, Mackenzie, Marchildon, McLachlin, Merritt, Poulin, Sicotte, Stuart, Tessier, and White.--(13.)

NAYS.

Messieurs Brown, Burnham, Chabot, Solicitor General Chauveau, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Fortier, Fournier, Gamble, Hincks, Langton, LaTerrière, LeBlanc, Lemieux, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, McDougall, Morin, Morrison, Paige, Patrick, Prince, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, Taché, Varin, Viger, Willson, Wright of West Riding of YORK, and Young.--(38.)

So it passed in the Negative.²⁹

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Morin,³⁰

It was resolved without division, That until the Adjournment of the House on the 10 instant, the House do meet at 10 o'clock A.M.; and that it do meet on Saturday next at 10 o'clock A.M.³¹

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Resolved, That until the adjournment of this House on the 10th instant,

this House do meet at Ten o'clock in the forenoon; and that it do meet on Saturday next, at that hour.

Mr. Christie of Gaspé, from the Standing Committee on the Public Accounts, presented to the House the First Report of the said Committee; which was read, as followeth:--

Your Committee have deemed it their first duty to take up and examine Account No. 39, being a "Statement of Warrants issued on the Receiver General, between the 1st of February, 1851, and the 31st of January, 1852, in payment of various indispensable Expenses of the Civil Government, for which a Supply is required." This Account shews an expenditure of £12,510 14s. 7d. currency, on the responsibility of the Executive Government, without the previous authority of any Law or Act of the Legislature authorizing it, alleged, however, to have been "indispensable," and for which, to be relieved of the responsibility, a Vote of Your Honorable House is required.

Your Committee have, during several sittings attentively examined every item of this Account, obtaining, where particular explanations were thought needful, the necessary information from the proper Officers, and have satisfied themselves that, as far as could be, under all the circumstances, and with a due regard to the Public Service, economy has been consulted. Looking, however, at the large sums laid out, pursuant, it seems, to contracts for Law and other Printing, as shewn in this and the various other Accounts before Your Committee, they are of

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opinion that the public expenses under this head (which seem to Your Committee, without venturing to call them exorbitant, unless upon further inquiry it shall appear to be the case, at least heavy) should be made the subject of investigation by the Executive, with a view, if possible, to a reduction in these charges; and they would accordingly direct its attention to the matter.

Your Committee having called for a detail of the outlay of the £767 19s. 6d., on account of the Provincial Penitentiary for the year 1851, (the seventh item in the said Account) were informed by the Deputy Inspector General, that by Law the Warden of that Establishment has the entire of the present year to account for this sum, and that the Department will be enabled to produce, in course of the next Session, the necessary vouchers therefor.

With regard to the item of £3,820 paid "Jacques Viger, Treasurer, and one of the Commis[s]ioners under Act 12 Vic. cap. 58, on account of salaries and contingencies of the Commission for Rebellion Losses in Lower Canada, in the nine months ended the 30th September, 1851," and which, with the sum of £1,528, accounted for last Session for the same service, during a previous period, making together £5,348, Your Committee recommend, as by the First Report of the Committee on Public Accounts last Session, was done, that this sum (£3,820) if made good by Vote of Your Honorable House, be, in like manner, charged to the appropriation under the above mentioned Act, and not in addition to it. The total expenses of this Commission (now terminated) exceed, Your Committee understand, £12,000.

£825	0	0--Jacques & Hays.
1575	0	0--Hooker & Holton.
823	15	1--T.C. Vallier and others.
197	12	4--F. Benoit
1396	1	4--Various Officers, Clerks
		and others of the Civil Government
£4727	8	9 [sic]

The five last items in the said Account, making together £4727 8s. 9d. [sic] occasioned by the removal of the Seat of Government from Toronto to Quebec, is over and above the £5000 voted last Session for this purpose, and which has been found insufficient therefor.

Your Committee, after the most minute examination of the expenses under this head, are of opinion, that it is expedient to make the amount good by a Vote. The total amount of expenses of, and incidental to, the removal, exceed, as far as they have been ascertained by Your Committee, £11,000, of which the £5,000 voted last Session, of course, make part. On the whole, Your Committee respectfully recommend that the amount of the said Account No. 39, that is to say, the sum of £12,510 14s. 7d. currency, expended by the Executive Government in payment of various indispensable Expenses of the Civil Government of the Province, on their own responsibility, and for which they request a Supply, be accordingly made good by Vote of Your Honorable House, and that an Act of indemnity pursuant thereto be passed.

Your Committee have also taken up and examined the expenses included in Schedules A and B of the Civil List. The outlay under the former being £29,230, is short by £5,407, of the sum authorized by it for the purposes thereof; and that of the latter being £33,547, is also short of the sum it authorizes, by £6,698,—making together £12,105, and so much short of the appropriation by the Civil List Act.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That the Bill to amend the Act incorporating the Toronto, Simcoe, and Huron Union Railroad Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House, for To-morrow.

The Order of the day for the House in Committee to take into consideration certain Resolutions on the Commercial Policy of this Country, being read;

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Ordered, That the said Order of the day be postponed until the fifteenth of February next, and be then the first Order of the day.

The Order of the day for the House in Committee on the Bill to amend the Law relative to the practice of Physic, Surgery and Midwifery in Lower Canada, being read;

Ordered, That the said Order of the day be postponed until the fourteenth of February next, and be then the first Order of the day.

A Bill for the granting of certain Lots in the Town of Bytown, to the Bytown and Prescott Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Patrick do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend the Act incorporating Bishop's College, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize a Company to construct a Railroad from Hamilton to Toronto, or to authorize the Great Western Railroad Company to protract their Road to Toronto, was, according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate the Hamilton and Toronto Railway Company."

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to authorize the construction of a Railroad from Galt to Guelph, was,

according to Order, read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the construction of a Railway from Galt to Guelph."

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

MR. LANGTON³² ... [moved] for the third reading of the bill to incorporate the Cobourg and Peterboro Railroad³³.

MR. AT. GEN. RICHARDS said that there was a great question whether Rice Lake ought to be bridged or not, and it was also known that the hon. member for Durham then absent was very much opposed to the bill, then [*sic*] the bill came up before, he understood that the whole measure should be left to the decision of the government. It now appeared that the bill only left the government to decide on the draw. Under these circumstances as he was not prepared to take up the matter, he would move that the bill be read again on the 15th February.³⁴

MR. LANGTON said the bill had been opposed by the hon. member for Durham a long time in the Committee, till he could do so no longer, and then it was agreed that this bill and the rival measure should go through together. If that gentleman had chosen to go away to his family that was no reason why the business of the Province should be stopped. No doubt the hon. member for Durham was an excellent political friend of the government, but if he wanted to stop the bill, he should have stayed in town, and not go home and telegraph the Attorney General to use government influence to crush the bill.³⁵

MR. INSP. GEN. HINCKS cared very little for the local rivalry which caused the opposition of Mr. Smith; but it was a great question whether Rice Lake should be bridged or not, and he wanted time to understand that question.³⁶

MR. J.A. MACDONALD contended that the bill enabled the government to stop the bridge altogether³⁷.

MR. INSP. GEN. HINCKS appealed to the hon. member for Peterboro, as to what he understood--whether government could control the character of the bridge only, or whether it should decide if a bridge should be there or not.³⁸

MR. LANGTON said the entire character of the bridge, the peers, and everything else was under the control of the Government.³⁹

MR. J.A. MACDONALD continued and complained of the hon. member for Durham, doing by means of the Attorney General, what he could not as an honorable man after his agreement before the committee, do himself. If the bill was not sufficiently clear, as to the intention to leave the Government and decide whether there should be a bridge or not, let it be made clear.⁴⁰

MR. YOUNG thought it could not hurt Rice Lake to have a railroad run over it more than it did Lake Champlain which was crossed by a scow. The mode might fairly be left to the Board of works.⁴¹

MR. BROWN was satisfied at the opposition coming from the Government. The lake was navigated only by steamboats, and they could not be impeded by a draw-bridge.⁴²

MR. AT. GEN. RICHARDS then withdrew his amendment [to the motion]⁴³.

MR. BOULTON [asked a question].⁴⁴

MR. INSP. GEN. HINCKS, in reply ... said Government had so far made no objection to the bridge; but wanted if the responsibility were thrown on them to have time for consideration.⁴⁵

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A Bill to incorporate the Cobourg and Peterborough Railway Company, was, according to Order, read the third time.

On motion of the Honorable Mr. Attorney General Richards, seconded by Mr. Burnham, an Amendment was made to the Bill, by adding the words "nor shall it be lawful for the said Company to construct any Bridge across the said Lake without the consent of the Governor in Council" at the end of the fifteenth Clause.

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Resolved, That the Bill do pass.

Ordered, That Mr. Burnham do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to extend the provisions of the eighteenth Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Prince reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Prince reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, that Louis Lacoste, Esquire, a Member of the Committee, was not present within one hour after the time appointed for the meeting of the said Committee, this day.

Ordered, That Mr. Lacoste do attend in his place in this House, To-morrow.

MR. RIDOUT⁴⁶ moved that the House do go into Committee of the Whole on the Toronto and Guelph Railroad bill.⁴⁷

SIR A. MACNAB opposed the motion. It was his duty to combat this bill to the very last, and he would take every opportunity afforded to a member of Parliament to attempt its defeat. During some years past he had had to fight the battles of the Great Western road; and there had been many bitter and angry debates on this question; but it always pained him to be compelled to differ with hon. gentlemen on his side of the House, as almost every feeling he had was in common with theirs. That company had obtained a charter from Parliament on condition that it should make a road from Detroit, at the foot of Lake Huron, to Hamilton, at the head of Lake Ontario, with a branch to Sarnia. Another branch to the Niagara river has, contrary to his wishes, been forced on the company. In order to complete the work, he had been most untiring in his exer-

tions, and had secured among the English capitalists, stockholders for a million and a quarter; that stock has been paid up, and the company is now extending its funds at the rate of nearly \$500,000 a month. This day a bill had been read authorizing the extension of the road from Hamilton to Toronto; but not satisfied with having the terminus thus at their own door the people of Toronto wants [sic] to build a road parallel to the Great Western. If this permission were granted to them, it would have a most injurious effect on the company, which is at this moment fulfilling the conditions on which it obtained its charter from Parliament. No better evidence of that fact could be desired than the testimony of Mr. Gwynne, who had come down to Quebec as the agent of the Toronto and Guelph Company. In answer to questions put to him by the Railroad Committee, he showed that the two lines would, in one place, be within four miles of each other; at another point, the distance between them would be only fourteen or fifteen miles; and the average distance between them would be about eighteen or twenty miles. This being the case, he would ask what object it was proposed to gain by making this road? He would ask whether the House would cripple the Great Western line after granting the Provincial guarantee for half its cost; and whether they would sacrifice the interests of the stockholders who are now expending \$500,000 a month for the purpose of fulfilling the conditions imposed on them by Parliament? He did not believe that the persons who applied for this charter would build the road even if they got it. It could not be made for less than £2,000,000; and he did not believe that they could raise the money. What they could do, however, would be this: they would depreciate the value of Great Western stock in the market, and cause the legislation of this country to become a laughing stock to the people of England. It would, in fact, be a piece of folly and rank injustice to the Great Western Company to grant this charter, as there is no evidence to show that more business than one road may do, can be expected; and the two lines instead of competing with each other to such an extent as to reduce the rate of fare, would undoubtedly, combine together for the purpose of keeping up the fare to the highest rate permitted by law.⁴⁸

MR. PRES. EX. COUN. CAMERON conceded to the gallant Knight from Hamilton, all the credit he deserved for his perseverance and the success of his efforts, in forwarding the interests of the Great Western Company. He felt as much satisfaction himself as it was possible for the gallant Knight to feel, in reflecting that he had uniformly supported that Company. He had introduced the bill when the hon. gentleman was in the Speaker's chair, and had acted with him for the purpose of putting that Company in a position to go on with the work; but he could not agree with him in resisting other people's rights. On one occasion he had voted against the Lake Erie road for the purpose of enabling the Great Western Company to sell their stock; but when he went up into the western country, the people asked him with what face he could show himself there, and if he was not afraid to go among them, after voting against their request to be permitted to build a road with their own money? And he would like to know what member in the House dare face the two hundred thousand people to the north of the Great Western road, and tell them they cannot be permitted to build a road with their own money, because they will be taxed to pay half the cost of the Great Western road. They do not ask for the Provincial guarantee for their roads they merely ask for permission to construct it to Sarnia at their own expense. The Great Western had the right to make a branch to Sarnia when they chose to do so; but although they have held that charter for a long time, nothing had as yet been done. It was intimated that they had given out contracts, and had procured the right of way on that branch, but these statements were altogether incorrect. In reply to the argument of the gallant Knight that if the charter was granted, these two roads would run

within eighteen or twenty miles of each other on the average, he said that the hon. gentleman had only been able to show that by taking advantage of his own wrong, the distance between the two lines from Guelph to Sarnia is about thirty or thirty-five miles. There is a charter now in existence authorizing the construction of a road from Guelph to Toronto; but so inconsistent with himself was the hon. gentleman, that he came before the House with a charter for a parallel road from Hamilton to Toronto, at a distance of only six miles, and in this way he made out the average of eighteen or twenty miles. He hoped that the opposition of the hon. member to the bill would not meet with success.⁴⁹

MR. DIXON opposed the motion. He conceived that it would be the height of folly to authorize the construction of a parallel road which must materially injure that line to which the Provincial guarantee had been given.⁵⁰

MR. FERGUSSON thought it would be very hard to refuse to the people of his county, who had never grumbled at being taxed for the construction of other roads--the right which they now asked. It would not cost the country a shilling, although it might very properly be said that this line had a better right to the Provincial guarantee than the Great Western, which is in reality an American road. The originators of the measure before the House were, in his opinion, entitled to the thanks of the country.⁵¹

MR. SICOTTE addressed the House in French.⁵²

MR. BROWN perfectly understood the anxiety of the gallant Knight to defeat this measure--but he thought there ought to be some limit to the monopoly claimed by that hon. gentleman, of the whole western traffic for his favourite road. For years back the gallant Knight had claimed the Western Peninsula as his own, and had managed to make or mar every railroad scheme as he thought proper. His main Trunk Line ran from Hamilton to London, Chatham and Detroit; and one after another he had contrived to get charters for lines to feed it from Hamilton to the Falls, from Brantford to Buffalo; branches to Niagara, to Port Dalhousie, to Galt⁵³, Erie, Paris, Guelph, and Goderich.⁵⁴ He killed off the Bertier road because it interfered with him--and he holds fast by his right to build a branch to Port Sarnia, without any hope of effecting it. Other parties desire to build the line and he is fiercely indignant; if he could turn the Toronto and Port Sarnia road into a branch of the Great Western he would do so; but as he cannot do that he is opposed to it altogether. The whole thing was ridiculous and it was full time to put a stop to it. There were other places and other interests besides those of the city of Hamilton to be considered. The hon. gentleman had talked about the Toronto and Port Sarnia road being a parallel line to the Great Western--but he must have been laughing in his sleeves while he spoke. The people living on the two routes are as entirely distinct as the inhabitants of Montreal and Quebec. The line of thoroughfare runs east and west, and the travel flows through separate and distinct channels in the two sections. The two roads ran in parallel lines it was true, but the country traversed by either could be neither hurt nor benefitted by the other; they were separate and distinct. What common interest, in a road running from east to west, could Guelph have with Brantford, or Stratford with London? The thing was absurd. Hon. gentlemen should understand that this is not a new scheme--but merely the continuation of a road now going on. A road has been chartered from Toronto to Guelph, with the understanding that it would obtain an extension to Lake Huron. The stock of the road to Guelph was now all taken and the work under contract--the inhabitants demanded the extension to Lake Huron, and the Railroad Committee with the gallant Knight at its head, would not give it to them;--the Committee was graciously pleased to permit an extension to Stratford but not a foot further. Would the House sanction such a proceeding as this, to gratify the grasping spirit of the member for Hamilton? Was a road to be left in this way, half-

finished, to subserve a jealous local feeling? If the plea of interfering with the Great Western were good for anything, is [*sic*] applied solely to the portion of the route east of Stratford--which had been already granted. West of Stratford, the Great Western had no road and never would have in all probability. The gallant Knight said the people of Toronto should be content with what they had got--he had run a branch of his Great Western down to their door. The people were very silly to let him take that road out of their hands, but this was not a mere Toronto question--it was one in which the people along the whole route took a deep interest; the road ran through several of the finest counties in the Province, abundantly able of themselves to sustain it. The terminus on Lake Huron was to be at Port Sarnia, the county town of the constituency which he (Mr. Brown) had the honour to represent--and he could say that the inhabitants of the five Townships near, and through which the road would pass, took a lively interest in the matter. They felt that they had been deceived by the Great Western Company--that Sarnia had been named as the terminus of that road for 18 years--that they had every reason to expect that it would have been made so--but that American interests had prevailed over Canadian, and Detroit got the preference. They had no confidence in the Great Western running a branch from London to Sarnia--it had not been commenced and there was no prospect of its commencing. They were therefore anxious that the line to Toronto should proceed. For himself, he (Mr. Brown) spoke quite disinterestedly, as the road from London to Detroit ran a much greater distance through his county than the other would; but he had always favoured the Sarnia line, as our eminently Canadian Port Sarnia was surrounded by a magnificent country, settled with a hardy and intelligent race of men well fitted to develop the capitalists of the land; it lay on the St. Clair, the most beautiful river in Canada, at the foot of Lake Huron. Across the river was the finest part of Michigan, and the moment the road was under way, it would be continued over the Michigan peninsula. There was not a point in this or any other country possessing equal advantages with Port Sarnia as the terminus of a long line of railroad. The three great lakes Huron, Superior and Michigan all poured their vast traffic into one point at that spot, and a railroad running direct from it to Lake Ontario could not fail to obtain a vast amount of business; and the same influence would build up Port Sarnia as a great trade depot. When the gallant knight spoke of the want of sufficient business to support two lines of railroad, he might have considered that if the trade at the Western Territory can to any extent be drawn over Canadian soil, there is enough of it now to support half a dozen lines, and every day increasing. The hon. gentleman was not consistent however--for while in one breath he complains that this road will hurt the Great Western, with the next he tells us that it will never be built. What then is he afraid of? Why not let us have our charter and see who will build the road first? Ah, he says, it would hurt us on the London Stock Exchange--hurt the Great Western. How could that be? Have they not sold all their stock? The gallant knight has admitted that they have more money already than they need, so that argument fell to the ground. But the gallant knight has another objection--he is very much alarmed, nay he is indignant, that the House should interfere with chartered rights! The objection was certainly very amusing coming from a gentleman who, as chairman of the Railroad Committee had only a few days ago sent down a bill incorporating a second company to build a road over a route for which a bona fide company was at the moment in existence and in active operation. (Hear, hear.) How wonderfully tender of chartered rights the hon. gentleman was, when the Great Western was concerned, but how resigned when it was the Montreal and Kingston; and this was not all. There was a charter in existence for a Railway from Peterboro' to Port Hope--it had been in existence for years--but this very night the gallant Knight brought down from his Committee a charter for a road from Peterboro' to

Cobourg--only seven miles apart--and we passed it this evening without any opposition from the member for Hamilton! (Cheers and laughter.) Yes--and there is the loop line from Belleville to Peterboro' and Toronto; is it not also a rival line, a parallel line--but it too was recommended by the gallant Knight and adopted by the House. The hon. gentleman's indignation is reserved for that, and that only, which interferes with his own plans or which he imagines to do so. Nothing could be more unfair or unreasonable than that the gallant Knight should place his paw on the whole peninsula and say, "No one shall have a railroad here but me!" But that was the policy the hon. gentleman had pursued successfully for years. He hoped the House would not sustain it on the present occasion, but would do justice to the northern counties, and pass their bill without hesitation.⁵⁵

SIR A. MACNAB complained that he had never heard a more unfair speech than that of the member for Kent. The hon. gentleman had charged him with monopolising all the trade in the western country for his line of road, when the fact was that he had strenuously opposed the formation of several of the branches, among others the Brantford; the Niagara branch was no measure of his; the line to Goderich was not applied for by him, but by a totally different party. With respect to the assertion that the line from Hamilton to Detroit, was an American road, he would ask if it were no advantage to this country to secure the American trade which passes over lake Erie, and bring it down through Canada to lake Ontario? The hon. member had intimated that the Great Western Company had no right to complain as all their stock had been taken up, but he went further than that, and said that the Legislature had no right to take any action which would deprecate [sic] the value of that stock, and thus cause a serious loss to the holders. It was a most unheard of thing, that an application should be made to build a road two hundred miles long within a distance of eighteen miles of another which is now in course of construction; and he earnestly hoped the House would not give its sanction to it.⁵⁶

MR. BROWN replied that as the route of the Trunk line had been altered to please the Americans, some little attention should now be paid to the wishes of the Canadians. In 1834, the Great Western Company was incorporated to construct a road from Hamilton to Port Edward--the same place as Sarnia; no mention was made in that charter of Detroit. In 1845, another Act was passed, in which it was stipulated that the work should be commenced in four years time; that Act was never revived. Thus the people of that western part of the country have been kept in expectation by the Great Western Company since 1834, and were finally left in the lurch, as the company were induced by the Americans to make a diversion to Detroit.⁵⁷

MR. GAMBLE was very much amused with the manner in which the member for Hamilton made the most of a bad cause. He could not perceive how any argument could be based upon the assumption, that if this charter were passed, it would be a violation of faith, with the English stockholders, as no pledge had been given to them that the Great Western should be the only road in the peninsula. He would like to know if the interests of that whole section of country were to be sacrificed, because a charter had been given to this one company. With regard to the large expenditure of that company, he would like to know what portion of the million and a half which had been subscribed was expended on the road to Sarnia? Not a single farthing, except perhaps in the purchase of a site for a station, which in all probability was done merely to show that there was vitality in them. There was, however, no real desire in them to fulfil the wishes of the people of the northern townships⁵⁸. It was in exceedingly bad taste to oppose this road after the western had had a charter sixteen years without doing anything for Sarnia. He had no doubt, however⁵⁹, from the

strong interest taken in this road by many leading individuals, [that] there existed the strongest reasons for believing that it would be at once gone on with; and from the peculiar state of the money market, he had no doubt whatever, that the capital could be obtained for carrying it on. Under these circumstances he felt bound to give his support to the bill.⁶⁰

MR. INSP. GEN. HINCKS said that the question was simply whether the Great Western Company is to have a monopoly [*sic*] of that section of country through which the road runs, and whether they should be at liberty to prevent other parties from running a line to the frontier of the Detroit river. He did not think any case could be made out to give them that exclusive charter. There was no understanding with them, or with the parties who took stock in the Company, that no other road should be run through that section of country. Nor could any expectations of the kind be formed from the system pursued both in England and in the United States. His own advice, if he were in a position to give advice, would be that we are going too fast with regard to railroads. He was in favour first of all of a Main Trunk Line, and would wish to see that in operation from east to west, before extending any of these branch parallel lines. That of course was a matter of opinion; but he could scarcely expect that the country would sustain the House in refusing charters to those Companies which asked for them--nor did he think that any considerable number of members could be found to refuse a charter merely because it was argued that it was intended to construct a competing line.⁶¹ If, indeed, the Great Western had already extended their road to Sarnia there might be some reason to oppose the present proposition; but that was not the case. The Great Western had peculiar advantages which could not be taken from it, and it would be very hard for Toronto and other places interested if a legal monopoly were secured to it.⁶² He did not yield to any member in the House in desiring the success of the Great Western Company; he knew that there is a strong feeling in his county in favour of it; but he thought the House would not be justified in saying that no other parties should get a charter. The legitimate business of that Company will ensure its success, they have the right if they choose to exercise it, of constructing a road to Sarnia; but he must oppose their desire to secure a monopoly of the business.⁶³

COL. PRINCE thought that the question of exclusive privileges had been very satisfactory [*sic*] disposed of. Then, two questions arose: would the House be justified in preventing a company from making a railroad through one of the most fertile parts of Upper Canada where at present there is no communication? Then, again, looking at the charter of the Great Western Company, could the House refuse the applicants their charter on the ground that it would militate against the Great Western Railroad? To this he would reply that he could not bring himself to think that under any shape or circumstance, it would militate against the Great Western Railroad, and as it runs through one of the finest counties (Waterloo) in the world, and as it is not to be built at the expense of the Province, but with the money of the applicants themselves, he could see no reason for refusing their desire.⁶⁴ In addition to what had been stated by other members in favour of the present charter, [he] alleged that the lines were not parallel, and where they were so, were a great distance apart. He knew the country, which was ... at present shut out from markets only for want of road.⁶⁵

MR. STREET did not think it fair to the English stockholders to allow [*sic*] a parallel line to the great western road to be run; besides as the Province had granted a large amount of debentures on this line, it was proper to protect the public interest by refusing to authorize competing routes.⁶⁶ [He] thought the question was not whether the Great Western Company should or should not

have exclusive privileges; but whether the stock of that company, having been subscribed under peculiar circumstances, a proposition to charter another company should be entertained until it was shown that there was more business than would suffice to employ one road. This appeared to him to be a sound principle, and one which should be observed in chartering railroad companies, for it is evident that a reaction will take place at no distant day, and that very disastrous results may follow if the legislature does not exercise a sound discretion. The proposition before the House was to authorize the construction of a road parallel to one which is yet unfinished, because the stock was not taken up until very lately. The moment the stock was taken, the work was commenced, and he felt it to be his duty to sustain that line until the parties coming before Parliament could show that there was still room for the....⁶⁷

MR. J.A. MACDONALD (Kingston) could scarcely suppose that any would say the grant of this charter would be a breach of faith with the Great Western Company. It might be that the shares of the company would be somewhat affected, but certainly there could be no violation of any principle of legislation.⁶⁸ [He] contended that every man had a right to build a road wherever he pleased, if he built it with his own money. No exclusive rights could be claimed by the great western, nor was such a thing known in England nor in the United States.⁶⁹ To put the matter in its strongest light, he did not believe that any breach of faith would be committed⁷⁰ if a hundred roads were made, and if there were, an hundred such breaches of faith had already taken place. There were competing charters in several different places.⁷¹ The next question was, whether any advantage would result from chartering this company to run a railroad through a thickly settled, fertile, part of the country? The answer was that the people had a right to the road; every municipality and every man in Canada had a right to this privilege from the Parliament; an attempt to fetter them in that respect must be utterly unavailing.⁷² The interest of the people required the road to be built ... and the hon. members for Wentworth and Hamilton had already practically proved that they thought this a good principle by their own acts.⁷³ The parties who ask for this charter do not request that they should be put on the same favourable footing as the Great Western Company; they merely ask for liberty to construct a road at their own expense, from Sarnia to that city, which must necessarily become the largest in Upper Canada; and there is no reason in the world why they should not obtain it. The fact of the matter is that the Great Western Company do not care about the competition from Sarnia to Stratford; it is the trade from Stratford eastward that they are desirous of monopolising, and causing to flow through Hamilton. There was no doubt about that; and he regretted that he was compelled by a regard for the provincial interests to differ with the gallant knight from Hamilton with respect to the question.⁷⁴ He had always supported the great western road and had hitherto opposed competing roads because he wished above all things to establish one main trunk line. But now that [that] road was safe he nould [*sic*] afford to take a Provincial view of the matter, as a man, who had no personal interest in it. The great western would no doubt pay well from the American traffic, which it would secure; but Canadian interest must be looked at as well as American, and he wanted to keep a stream of travel and trade on the north bank of the St. Lawrence, and thought this road would have a tendency to promote that object.⁷⁵ He conceived that the measure was founded on just principles and should support it.⁷⁶

MR. RIDOUT had introduced this bill in accordance with the prayer of numerous petitioners both along the line of road, and among his own constituents, who conceived it to be a matter of the greatest importance that it should be passed. In preferring their request to that effect to the House, they were not, however, influenced by any feelings of rivalry towards Hamilton; not from any desire

to undervalue the Great Western line of road; but from a wish to secure to themselves the benefit which might be expected from opening up the exceedingly fertile section of the country through which the road will pass. These people have strived for it for years; and as they had anxiously desired to effect their object, exclusive altogether of the action of the Great Western Company, he hoped that the Legislature would pass the measure.⁷⁷ The road would run on an average at a distance of from twenty to twenty-five miles from the Great Western, indeed the hon. member for Essex, who knew the country, said the distance was much greater. He knew the country, and when he saw the trade and steamers to Sarnia he had no doubt there would be a large terminus for American trade on the opposite shore. This made the road doubly desirable. He knew Sir Allan wanted to secure to the great western road exclusive privileges; but thought the house would not sanction them. He said the road would certainly be made if the charter were granted.⁷⁸

MR. ROSE expressed his concurrence in what had been said by the advocates of the Bill, and announced his intention to support it.⁷⁹

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Mr. Ridout moved, seconded by the Honorable Mr. Cameron, and the Question being put, That the Order of the day for the House in Committee on the Bill to amend the Act incorporating the Toronto and Guelph Railway Company, be now read; the House divided:⁸⁰--And it was resolved in the Affirmative. And the same being read:

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Taché reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Taché reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Mr. Malloch moved, seconded by Mr. Brown, and the Question being put, That the remaining Orders of the day be postponed until To-morrow; the House divided:--And it passed in the Negative.

The House, according to Order, resolved itself into a Committee on the Bill to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Cartier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Cartier reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Cameron, seconded by the Honorable Mr. Hincks,

The House adjourned.

APPENDIX: 4 NOVEMBER 1852.

[NOTICE OF MOTION RE: CONTESTED ELECTIONS.]

MR. REC. GEN. TACHE [gave notice that] on the 14th of February next [he would introduce a] Bill to confer upon the Judicial Power the right of deciding contested elections.⁸¹

[NOTICE OF MOTION RE: LAND SURVEYORS.]

MR. TESSIER [gave notice that] on Monday next [he would introduce a] Bill to amend the Act 14 and 15 Vic., cap. 4, intituled, "An Act to amend the Act concerning Land Surveyors."⁸²

[NOTICE OF MOTION RE: SECURITIES FROM OFFICE HOLDERS.]

MR. SOL. GEN. CHAUVEAU [gave notice that] on Saturday next [he would introduce a] Bill to amend a certain Act intituled, "An Act to regulate the taking of Securities in all offices, in respect of which Security ought to be given, and for avoiding the grant of all such offices in event of such security not being given within a time limited after the grant of such office."⁸³

[NOTICE OF MOTION RE: SEPARATION OF PERTH COUNTY FROM HURON COUNTY.]

MR. PRES. EX. COUN. CAMERON [gave notice that] on Monday next [he would introduce a] Bill to authorise the separation of the County of Perth from the County of Huron, notwithstanding an error that may have been made in the notice or forms with which they have had to conform.⁸⁴

[NOTICE OF MOTION RE: ELECTION COMMITTEES.]

MR. AT. GEN. RICHARDS [gave notice that] on Saturday next [he would introduce a] Bill to remove doubts as to the continuation of business before Election Committees on the adjournment of either Houses [sic] of Parliament.⁸⁵

[NOTICE OF MOTION RE: TARIFF CHANGES.]

MR. SEYMOUR [gave notice that he would move the following resolution:] That it is of great importance to the Commercial and general interests of the Province, that any alteration or re-adjustment of the Tariff, and any imposition of differential Duties and Tolls, should be submitted to this House, for Legislative action thereon, before the proposed adjournment on Wednesday, the 10th November, and that any delay in such Legislative action will be highly [sic] injurious to the Province.⁸⁶

[NOTICE OF ADDRESS RE: J. ROBERTSON'S TIMBER LICENSE.]

MR. STUART [gave notice that] on Monday next [he would move for an] Address to His Excellency the Governor General, praying him to cause to be laid before this House, all information and documents respecting an application made by the Hon. J. Robertson, of St. John, New Brunswick, to the Crown Land Department of Canada, in or about the month of June, 1851, for license to cut timber on the vacant Crown Lands in the Counties of L'Islet, Kamouraska, and Rimouski; the timber limits to be bounded on the south-east by the boundary line drawn under the Treaty of Washington, from the discharge of Lake Pohemgamook on the River St. Francis to the north-west of the River St. John, and a prolongation thereof, to the outlines of the Seigniory of Lake Temiscouta [sic]; on the north-east by the outlines of the Seigniory; on the south-west by the north-west branch of the River St. John, and on the north-west by the heights of land separating

the waters of the St. Lawrence from those of the St. John; with a copy as well of the application so made, as of a plan or sketch of the ground embraced within the foreign limits, prepared by Mr. Duvine the draftsman, and fyled in the Crown Land Office with the application, and copies of all other papers and documents connected therewith; a copy of the appointment of Francis Rice, Esquire, as the Crown Land Agent at Madawaska; a copy of the regulations for disposing of the timber on Crown Lands, which came into force on the 5th September, 1849; copies of all letters whether from the late Commissioner of Crown Lands to Mr. Robertson or to Jean Langiven [*sic*], Esquire, the corresponding clerk in the Department, directing him to communicate with the local agent on the subject; also, a copy of a letter from Mr. Rice, the local agent, to Mr. Robertson, dated at Madawaska, the 12th May, 1851; a copy of a letter written by Mr. Robertson to the late Commissioner of Crown Lands, on the 14th of the same month of July, enclosing the amount of mileage on 1400 miles of timber berths or limits, and a copy of a letter from the Commissioner of Crown Lands, dated the 4th August following, acknowledging the same; copies of two letters from Mr. Langevin to Mr. Rice, dated respectively the 11th and 18th of the same month of August; with a copy of the new timber regulations referred to in the last mentioned letter; copies of three letters from the Crown Land Department to Mr. Rice, dated respectively 20th, 22nd and 25th August, 1851; a copy of a letter from Mr. Robertson to Mr. Rice, dated the 20th September of the same year, and a copy of an account delivered by Mr. Rice to Mr. Robertson, dated at St. John, New Brunswick, the last mentioned day, and signed by Mr. Rice as such sub-agent; copies of the several licenses granted to Mr. Robertson, and of the securities furnished according to the terms of the last mentioned regulations; copy of a letter from Mr. Robertson, to Mr. Rice, dated St. John, 27th November, 1851, and a copy of a letter from Mr. Rice to Mr. Robertson, dated Little Falls, Madawaska, 26th of the same month of November; copies of any letters written by Mr. Robertson either to Mr. Rice or to the Commissioner of Crown Lands, in the month of December following; also of a telegraphic despatch from John A. Torney, styling himself Crown Land Agent, addressed to Mr. Robertson from Rivière du Loup on 5th April, 1852, and of another sent in answer thereto by Mr. Robertson to Mr. Torney, from St. John, on the same day. Copies of all subsequent Correspondence between Mr. Robertson and the Commissioner of Crown Lands; copy of Mr. Torney's appointment, if any, as such Agent, with copies of the instructions given to him; copies of any representations made by any parties in relation to the said limits or the timber cut thereupon, with a view to obtain the seizure of such timber; and praying also, that His Excellency will be pleased to communicate to this House the steps taken by or under directions from the Executive Government or the Crown Land Department, in consequence of such representations or otherwise; and generally all papers, documents and information relating to the differences between Mr. Robertson and the Executive Government of this Province.⁸⁷

[QUESTION AND ANSWER RE: COMMERCIAL POLICY.]

MR. J.A. MACDONALD (Kingston) said the House was about to adjourn for three months, without the Government having stated what is to be the commercial policy of the country. The House had been informed of the general nature of the scheme, but no particulars had been given; nor did they know on what articles differential duties were to be levied; of which it was of the greatest importance to the country to be informed.⁸⁸

MR. INSP. GEN. HINCKS replied that the intended commercial policy of the Government, had been distinctly and positively stated.⁸⁹

[WITHDRAWN MOTION RE: SUPPLIES.]

MR. INSP. GEN. HINCKS moved that the speech of the Governor General, delivered at the opening of the present session, be taken into consideration.⁹⁰

MR. BROWN objected. This motion was the initiatory step for bringing the budget of the coming year before the House. Parliament was to rise on Wednesday at the instigation of ministers; it was utterly impossible ere then to give anything like the necessary attention to so important a subject; and he should therefore oppose any attempt to bring on a discussion at this moment.⁹¹

MR. INSP. GEN. HINCKS said the motion was a mere form, and even if it carried, it would be impossible to get into the discussion of the supplies before Monday.⁹²

MR. BROWN said, if the intention was to go into the supplies before the recess, he was opposed to it, as that was the most important business of the session; and if the motion was a mere form, he was equally opposed to it. Parliament had been three months assembled,--the discussions necessary to a first session were got through with--the committee-work was nearly over--a great deal of local and private business had been transacted--and there was every appearance of an early conclusion to their labours; when, suddenly, the Ministry had taken the responsibility of adjourning the sittings for three months. The true cause of the adjournment was that the Ministry were unprepared with their measures; but one bill had they yet matured, and that was the Bureau job, to make an office for one of themselves. (Hear, hear.) It had been said that the backwardness of the Government business was in consequence of the long speeches. The statement was not true. No business, except the ministerial measures, was in arrear--and if these were behind, it was the fault of the gentlemen on the Treasury benches. Twenty-five leading measures were promised by Government at the opening of the session, but not one was ready when we assembled, and weeks passed before many of them made their appearance. Up to this moment, we have not entered on the discussion of one-fourth of them, and some are not yet printed. (Hear, hear.) Their measures had been patched up in such haste, that the hon. gentlemen evidently feared to proceed with them, and had recourse to this adjournment to save themselves. In these circumstances, the responsibility assumed by the Government, Government must bear. The people should know the true cause of a movement which will cost the country a vast sum of money--and it was no light portion of the charge, that in consequence of it, the public funds will be expended by the Executive for three months of the year, without the consent of Parliament. (Hear, hear.) He would never consent that the supplies should be hurried through, without deliberate consideration, to save the Ministry from the consequence of their own incapacity. The estimates ought to have been before the House early in the session, but up to this moment they are unheard of--and it would be totally indefensible to force the House into a discussion upon them without at least a week's previous consideration.⁹³

MR. INSP. GEN. HINCKS repeated that the motion was a mere form, and hoped the member for Kent would withdraw his objection.⁹⁴

MR. BROWN declined doing so--the rules of the House were made for just such cases.⁹⁵

MR. INSP. GEN. HINCKS said the hon. member might take his course. He would find that such conduct would not serve him when he had any purpose to serve.⁹⁶

MR. BROWN perfectly understood the amount of consideration which any measure of his would receive at the hands of the hon. gentleman. He asked no favours at his hands.⁹⁷

The motion was withdrawn.⁹⁸

FOOTNOTES: 4 NOVEMBER 1852.

1. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 5 November 1852, QUEBEC GAZETTE, 5 November 1852, MONTREAL GAZETTE, 8 November 1852, PILOT, 9 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, BRITISH COLONIST, 12 November 1852, NIAGARA MAIL, 17 November 1852, NORTH AMERICAN SEMI-WEEKLY, 26 November 1852, NORTH AMERICAN WEEKLY, 2 December 1852, and LA MINERVE, 9 November 1852. The debate was also reported by GLOBE, 18 November 1852. A commentary appeared in QUEBEC GAZETTE, 10 November 1852, which defended Mr. Attorney General Drummond against the attack made by the MERCURY (of unknown date), stating that: "Mr. Drummond declared that he had no sympathy with the ultra measures adopted by Smith O'Brien to accomplish an object with which he (Mr. Drummond) did sympathize. That honorable gentleman has never changed his position in reference to the repeal movement, as stated by the Mercury. He is as warm a friend of his native land--the Emerald Isle--as ever he was, and as deep a sympathizer in her miseries; and he has never in his 'inflammatory harangues to the laboring classes of Montreal,' or to the Irish of any other place, expressed the smallest hope that the repeal of the union could be effected by force of arms. He withdrew from the repeal association the moment they decided that it was advisable to assist their compatriots in the old country in their rebellious attempt to overthrow, by physical force, the existing order of things. It is by moral force alone that it can be effected, and by it, if ever accomplished, it will be effected. The attempt of the Mercury to injure the Attorney General East, is in keeping with other attempts of the same kind by the same paper, whose editor has, in all his reminiscences of the past doings of ministers, evinced either a most deplorable ignorance of, or an utter disregard for, the real facts of the case."
2. MORNING CHRONICLE, 5 November 1852.
3. GLOBE, 18 November 1852.
4. BRITISH COLONIST, 12 November 1852.
5. GLOBE, 18 November 1852.
6. MORNING CHRONICLE, 5 November 1852.
7. IBID.
8. GLOBE, 18 November 1852.
9. MORNING CHRONICLE, 5 November 1852.
10. GLOBE, 18 November 1852.
11. MORNING CHRONICLE, 5 November 1852.
12. GLOBE, 18 November 1852.
13. MORNING CHRONICLE, 5 November 1852.
14. GLOBE, 18 November 1852.
15. IBID.
16. IBID.
17. IBID.
18. MORNING CHRONICLE, 5 November 1852.
19. GLOBE, 18 November 1852.
20. MORNING CHRONICLE, 5 November 1852.
21. GLOBE, 18 November 1852.
22. MORNING CHRONICLE, 5 November 1852.
23. GLOBE, 18 November 1852.
24. MORNING CHRONICLE, 5 November 1852.
25. GLOBE, 18 November 1852.
26. MORNING CHRONICLE, 5 November 1852.
27. IBID.

28. GLOBE, 18 November 1852.
29. The following papers reported a division of 12 to 38: MORNING CHRONICLE, 5 November 1852, QUEBEC GAZETTE, 5 November 1852, MONTREAL GAZETTE, 8 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, GLOBE, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 26 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852.
30. The following papers reported this matter in identical accounts: MORNING CHRONICLE, 5 November 1852, QUEBEC GAZETTE, 5 November 1852, MONTREAL GAZETTE, 8 November 1852, PILOT, 9 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, and NIAGARA MAIL, 17 November 1852.
31. MORNING CHRONICLE, 5 November 1852.
32. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 6 November 1852, MONTREAL GAZETTE, 8 November 1852, QUEBEC GAZETTE, 8 November 1852, PILOT, 9 November 1852, BRITISH COLONIST, 12 November 1852, and GLOBE, 18 November 1852. The debate was noted by LA MINERVE, 9 November 1852.
33. MORNING CHRONICLE, 6 November 1852.
34. IBID.
35. MONTREAL GAZETTE, 8 November 1852.
36. MORNING CHRONICLE, 6 November 1852.
37. MORNING CHRONICLE, 6 November 1852, which reported that the speaker was Mr. J.B. McDonald.
38. MORNING CHRONICLE, 6 November 1852.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 6 November 1852, MONTREAL GAZETTE, 8 November 1852, QUEBEC GAZETTE, 8 November 1852, PILOT, 9 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, BRITISH COLONIST, 12 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852 (which misdated its account as 3 November 1852), and NORTH AMERICAN WEEKLY, 2 December 1852. The debate was also reported by GLOBE, 18 November 1852 (which misdated its account as 3 November 1852). The debate was noted by LA MINERVE, 9 November 1852.
47. GLOBE, 18 November 1852.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. MORNING CHRONICLE, 6 November 1852.
55. GLOBE, 18 November 1852.
56. IBID.
57. IBID.
58. IBID.
59. MORNING CHRONICLE, 6 November 1852.
60. GLOBE, 18 November 1852.
61. IBID.
62. MORNING CHRONICLE, 6 November 1852.

63. GLOBE, 18 November 1852.
64. IBID.
65. MORNING CHRONICLE, 6 November 1852.
66. IBID.
67. GLOBE, 18 November 1852. The ellipsis represents illegible words.
68. GLOBE, 18 November 1852.
69. MORNING CHRONICLE, 6 November 1852.
70. GLOBE, 18 November 1852.
71. MORNING CHRONICLE, 6 November 1852.
72. GLOBE, 18 November 1852.
73. MORNING CHRONICLE, 6 November 1852.
74. GLOBE, 18 November 1852.
75. MORNING CHRONICLE, 6 November 1852.
76. GLOBE, 18 November 1852.
77. IBID.
78. MORNING CHRONICLE, 6 November 1852.
79. GLOBE, 18 November 1852.
80. The following papers reported that "the motion was carried without division": MORNING CHRONICLE, 6 November 1852, MONTREAL GAZETTE, 8 November 1852, QUEBEC GAZETTE, 8 November 1852, PILOT, 9 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, BRITISH COLONIST, 12 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852.
81. BRITISH COLONIST, 12 November 1852.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
87. BRITISH COLONIST, 12 November 1852.
88. GLOBE, 18 November 1852.
89. IBID.
90. IBID.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.

FRIDAY, 5 NOVEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By Mr. Dubord,--The Petition of R.G. Belleau and others, of the Parish of Notre Dame de Québec.

By Mr. Lyon,--The Petition of David Harrison and others.

By Mr. Mongenais,--The Petition of the Very Reverend P. Archambeault and others, of St. Michel and other Parishes, in the County of Vaudreuil; and the Petition of Hyacinthe F. Charlebois, Esquire, Registrar of the County of Vaudreuil.

By the Honorable Mr. Morin,--The Petition of James Patrick and others, of the Township of Durham, County of Drummond.

By Mr. Chapais,--The Petition of Joseph Ouellet, Esquire, and others, Notaries Public, of the District of Kamouraska.

Ordered, That the Petition of William H. Smith, of the Village of Yorkville, County of York, be referred to the Joint Committee of both Houses for the regulation and management of the Library.

Ordered, That three hundred copies of the Report of the Select Committee to which was referred the Bill to amend the Law relative to the practice of Physic, Surgery and Midwifery in Lower Canada, be printed in each of the English and French languages, for the use of the Members of this House.

Ordered, That Mr. Solicitor General Chauveau have leave to bring in a Bill to amend an Act passed in the Session of the Provincial Parliament held in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act to regulate the taking of Securities in all Offices in respect of which Security ought to be given, and for avoiding the grant of all such Offices in the event of such Security not being given within a time limited after the grant of such Office," and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. Chabot moved, seconded by the Honorable Mr. Hincks, That this House will immediately resolve itself into a Committee to consider certain Resolutions relative to the establishment of a Line of Steamers between Quebec or Montreal and Liverpool.

The Honorable Mr. Hincks, a Member of the Executive Council, by Command of His Excellency the Governor General, then acquainted the House, that His Excellency having been informed of the subject-matter of this Motion, recommends it to the consideration of the House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee;¹

MR. COM. PUB. WORKS CHABOT moved a resolution declaring the expediency of granting a sum of money for ... the establishment of a line of steamers from Liverpool to Quebec².

MR. DUBORD opposed the motion, because though the plan was excellent in other respects, it comprised certain winter trips to Portland, which trips he declared would each take a portion of the trade away from the St. Lawrence. If the vessels always came to the St. Lawrence no doubt the plan would be accepted with joy by the country; but not as at present arranged.³

MR. COM. PUB. WORKS CHABOT dit que tout le peuple désirerait beaucoup que

la navigation du St. Laurent fut libre durant toute l'année, mais la providence en a disposé autrement, et contre le désir général, la ligne régulière qu'on se propose d'établir ne pourra venir à Québec durant les mois d'hiver, c'est pour cela qu'on a jeté les yeux sur Portland. Il annonça que⁴ the city of Portland and Portland Railway⁵ sont convenus de payer, pour cet avantage, une partie des dépenses des voyages d'hiver. Ces voyages d'hiver ne seront pas seulement avantageux pour Montréal et le Haut-Canada, mais pour Québec même, qui se trouvera lié à Portland par le chemin de fer de Richmond.⁶

Les résolutions furent adoptées sans plus d'opposition.⁷

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. LeBlanc reported, That the Committee had come to several Resolutions.

Ordered, That the Report be received To-morrow.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Chabot, Ordered, That the Speech of His Excellency the Governor General, delivered to both Houses of the Legislature, be now taken into consideration.

The House proceeded accordingly to take the said Speech into consideration. And the same was again read.

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The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Chabot, That a Supply be granted to Her Majesty;

Resolved, That this House will, To-morrow, resolve itself into a Committee to consider of that Motion.

On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Cameron, Ordered, That the Message of His Excellency the Governor General, of yesterday, recommending an annual Pension to the Widow of the late Lieutenant Colonel Antrobus, be referred to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.⁸

The House then went into committee⁹.

MR. INSP. GEN. HINCKS rose to move a resolution which he hoped would meet with unanimous consent. The Crown had last session entirely given up the mean it had formerly had of repaying services rendered to it. He hoped, therefore, the House would be ready to grant this first application. Col. Antrobus, long before he (Mr. H.) came into public life, had held an office of large emoluments, and this probably made him more extravagant than some would think proper. He had also a large family; but his emoluments were suddenly cut down one half, and he received a pension of £400 a year. He had been suddenly cut off, in the prime of life, leaving a family of thirteen children perfectly destitute. Of course there was no legal claim upon the province; but it must be considered that by the death of Col. Antrobus a pension of £400 a year had fallen in, and therefore, if £200 a year were now given to the widow, £200 a year more would be saved. He concluded by moving the grant of £200 per annum for life to the widow of the late Colonel Antrobus.¹⁰

MR. CHRISTIE spoke in a very low tone of voice; but expressed an opinion that the grant should not be for the life of Mrs. Antrobus; but should be granted annually. He also mentioned that there were claims upon the House by the widow of its messenger, who had recently been cut down in the actual performance of his duty, and he could not see how it could be refused if this were granted. He was not opposed to the grant; but on the contrary in favour of it.¹¹

MR. BROWN said this was a monstrous proposition. If there was a political principle to which the Upper Canada section of the Ministry stood pledged beyond any other, it was opposition to the granting of pensions. The sudden death of Col. Antrobus was a very lamentable occurrence, and his widow and children were objects of general sympathy and commiseration; but were there reasons for granting a pension? Are there no other cases of distress in the country, that this is singled out for relief?¹² Were there no more widows in the country?¹³ What was there in the case different from that of any public officer suddenly cut off? Is it proposed to pension the widows of all officials under the Government? He knew of no other principle on which the present demand could be acceded to. Certainly the case of Col. Antrobus was the very last to make an exceptional one.¹⁴ Why he saw that the deceased gentleman had for years enjoyed a large income¹⁵. From 1825 to 1841, he held an office, stated in his obituary notice to have yielded from £1,200 to £1,400 per annum, and from 1841 to his death he had £600 a-year. For 27 years he drew an average income of £955 per annum! Was his widow to be pensioned because he could not live on that sum, and died deep in debt? Is a thousand a-year too little to support a family upon in Canada? The very proposal of such a vote was a public scandal. It was offering a premium on prodigality. Besides, the family had numerous relatives of wealth and high standing, and on no proper plea could the vote be justified. How many widows were there of men who laid down their lives on the battle field in the cause of Canada, and who could hardly get the pittance of £20 a-year to bring up their families? Twenty pounds is the largest pension granted to the families of those who fell in 1812, but in this case ten times that sum is not thought too large. And what was the office Col. Antrobus held so long? Grand Voyer--that is, Road Surveyor. Why should that office be singled out as worthy of a pension list? Were all road surveyors' widows to be pensioned?¹⁶ Were all other officers' widows to be pensioned?¹⁷ There were men in many public departments who had spent their whole lives in the service, with salaries scarcely fit to supply the comforts of life; and yet as they go down to the grave and are forgotten, who thinks of their families? But which was the more worthy of aid--this case or one of those?¹⁸ It was a most extraordinary proposition from a retrenchment government.¹⁹ The proposition was utterly unjustifiable--and showed in its true light the character of the present Government.²⁰

COL. PRINCE supported the proposition; alleging that he believed the past emoluments of Col. Antrobus has [sic] been very much exaggerated.²¹

MR. STUART said no man considered the position of Mrs. Antrobus more than himself. He supported the motion on the ground that this was not a common case. Col. Antrobus entered the service of his country as a common soldier forty years ago, which long service seemed to him to have established some claim for consideration.²²

MR. GAMBLE could not let his feelings sway his judgment in this case without betraying the interests of his constituents. The reasons given for this motion were most extraordinary. It was said that the deceased gentleman had been a long time in the public service; but no great service was mentioned which had been rendered. The only cause alleged for giving this pension was that the gentleman had had an enormous salary for many years; that when this had been cut down he had a good pension; and that he had enjoyed a very large income and had lived very extravagantly.²³

SIR A. MACNAB in this case merely looked at the fact that a destitute lady was to be provided for who had thirteen children.²⁴

MR. INSP. GEN. HINCKS would vote for the pension, and would not fear to go before any constituency in Upper Canada if he could put the case before them as the House saw it before them. The misfortune was that they could not see this. No one would he was sure wish to bear hard upon the unfortunate gentleman, now deceased and perhaps upon the whole he was not more extravagant than many other persons. He contended that in granting this pension the House was only doing for a servant of the highest branch of the constitution, what they were always ready to do for their own servants. If gentlemen chose to make political capital out of this case, which ought to excite the sympathies of every Christian, no one at least, could say that the ministry were doing what they proposed for the sake of serving political purposes. It was asked why, if people commiserated this lady, they did not help her themselves. He was happy to say that the public were doing something.²⁵

A few words [came] from MR. CHRISTIE, who moved an amendment to make the grant annual.²⁶

MR. LEMIEUX, MR. SOL. GEN. CHAUVEAU and MR. PRES. EX. COUN. CAMERON supported the motion²⁷.

MR. PRES. EX. COUN. CAMERON [said] that his father had been a sergeant in the same regiment with the deceased gentleman, and that if he had been extravagant it arose from the necessities of his position, which brought him into contact with extravagant people.²⁸

MR. STREET with a great deal of pain felt bound to oppose the motion. At the same time he did not blame the Government for introducing the motion.²⁹

MR. DUBORD was opposed to the motion on principle, but his heart was in favor of it.³⁰

MR. RIDOUT believed his constituency was not surpassed for liberality by any in the country; but he did not approach the question influenced by views of popularity. No question that session, had caused him greater pain in making up his mind; but he found no reason for the present motion, except sympathy, for he found no allegation of distinguished services to the country; nothing in short but the fact that a large family was left in a state of destitution. Objecting to pensions on principle, he was yet aware that cases for them did arise. But in the present case he did not see why a pension should be granted more than in many others where the parties had had to live on a much smaller income.³¹

DR. LATERRIERE would rather vote the pension at once than adopt Mr. Christie's amendment for the latter would cost more in one year's debate on the item than the value of the pension.³²

MR. CAUCHON felt deeply for the misery of the family in question, but he must vote against the motion because there were many persons in equally distressed circumstances for whom no one thought of a pension, and because if pensions were to be given for distress, he would desire to see the general principle established so that every body in distress might have the same right. He regretted greatly to be obliged to vote as he should do.³³

DR. FORTIER opposed the amendment, because there would be a debate every year, and the present debate had already cost more than the year's pensions.³⁴

MR. VIGER opposed the motion, and mentioned the claims of some person, whose name we did [not] catch, but understood to be Mr. Turquand, who he contended had far greater claims for a pension than the person's in whose favour it was now proposed to grand [sic] one.³⁵

MR. INSP. GEN. HINCKS said that at the same time to which the hon. member for Leinster referred, the Crown had a certain sum from which it could grant pensions, which was not the case now.³⁶

MR. CARTIER thought the government had taken the right course. The system of the country was opposed to pensions, and what proved it was the fact that it was necessary to come down to the House to get its consent to these exceptional cases. The country, however, must not refuse to do benevolent acts. All that could be demanded was that the House should be consulted on special cases.³⁷

MR. DIXON put to the government the case of a poor man, unable to get his own living, who had nine children dependent upon him for subsistence, and who had supplied the government with some thousands of pairs of boots for the militia, for which he could not get paid in consequence of not having supplied in sufficient time.--Now while the government refused to pay his demand for services rendered, how could they vote away the money for a pension.³⁸

MR. AT. GEN. RICHARDS said that by the Act of last session depriving the crown of the right of granting pensions, the country gained a great deal of money; but the Parliament assumed the right of granting pensions when they were required. Now was not this a case where the government would have been formerly justified in granting a pension. If so the house ought to show its liberality, especially as the deceased was a personal attendant on the Governor General.³⁹

MR. INSP. GEN. HINCKS now said there was great difficulty between the motion and the amendment; but having ascertained the feeling of the house, he asked those of his friends, who would support the ... government.⁴⁰

The amendment, and then the main motion, as amended were then carried.⁴¹

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The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Johnson reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz.:--

Bill, intituled, "An Act to incorporate the Quebec Temperance Hall Association:"

Bill, intituled, "An Act to incorporate the Grand Trunk Railway Company of Canada:"

Bill, intituled, "An Act to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases:"
And also,

The Legislative Council have passed a Bill, intituled, "An Act to amend the Charter of the Erie and Ontario Railroad Company," to which they desire the concurrence of this House.

And then he withdrew.

A Bill from the Legislative Council, intituled, "An Act to amend the Charter of the Erie and Ontario Railroad Company," was read the first time.

On motion of Mr. Street, seconded by the Honorable Mr. Robinson,

Ordered, That the Bill be read a second time this day.

Ordered, That Sir Allan N. MacNab have leave to bring in a Bill to vest in the Corporation of the City of Hamilton the "Gore" of King Street, for public purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

On motion of Mr. Stuart, seconded by Mr. Clapham,

Resolved, That this House will immediately resolve itself into a Committee to consider the necessity of altering and amending certain provisions relating to the Court of Queen's Bench for Lower Canada, and to make better provision for the appointment of Judges of the Superior Court to supply the places of Judges of the Court of Queen's Bench in certain cases.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Fournier reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That it is necessary to alter and amend certain provisions relating to the Court of Queen's Bench for Lower Canada, and to make better

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provision for the appointment of Judges of the Superior Court to supply the places of Judges of the Court of Queen's Bench in certain cases.

The said Resolution, being read a second time, was agreed to.

Ordered, That Mr. Stuart have leave to bring in a Bill to alter and amend certain provisions relating to the Court of Queen's Bench for Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That Mr. Paige have leave to bring in a Bill to provide for the removal of the Registry Office of the County of Missisquoi, from the place where it is now kept to a more central position.

He accordingly presented the said Bill to the House; and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Thirteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds to consolidate the City Debt, and for other purposes, and also the Bill to empower Francois Daigle and Alexis Dufresne to demand tolls on the Bridge erected by them over the north branch of the River Yamaska; and to each of the said Bills they have prepared certain amendments, which they beg leave to submit for the consideration of Your Honorable House.

Your Committee have also examined the following Bills, and have agreed to report the same without amendment:--

Bill to authorize the City of Montreal to raise a Loan to consolidate their debt:

Bill to incorporate the Montreal Manufacturing Company:

Bill to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Benevolent Society, under certain restrictions, rules and regulations therein mentioned:"

Bill to amend an Act, intituled, "An Act for the encouragement and relief

of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Friendly Society, under certain restrictions, rules and regulations therein mentioned:"

Bill to explain the Act, intituled, "An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemin, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester:"

Bill to divide the Common of Maskinongé among the Co-proprietors thereof:

Bill for the relief of John K. Roche, Esquire, Deputy Provincial Land Surveyor.

Ordered, That the Bill to empower François Daigle and Alexis Dufresne to demand Tolls on the Bridge erected by them over the north branch of the River Yamaska, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Poulin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

Ordered, That the Honorable Mr. Attorney General Richards have leave to

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bring in a Bill to provide for the more equal distribution of business in the Superior Courts of Common Law in Upper Canada, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to amend the Division Court Act of Upper Canada, and to extend the Jurisdiction of the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Bill to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Benevolent Society, under certain restrictions, rules and regulations therein mentioned," be read the third time To-morrow.

Ordered, That the Bill to authorize the City of Montreal to raise a Loan to consolidate their debt, be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That the Bill to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds to consolidate the City Debt, and for other purposes, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie re-

ported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

Ordered, That the Petition of the Reverend Thomas Wightman, Moderator, and others, on behalf of the Synod of the Presbyterian Church of Canada; the Petition of Andrew Mullins and others, of the Township of Sombra; the Petition of John Ward and others, of the Township of Etobicoke; the Petition of John Watt and others, of the Townships of Nichol and Garafraxa; the Petition of the Reverend William Reid and others, the Minister and Elders of the Presbyterian Congregation of Picton, County of Prince Edward; the Petition of James Gardiner and others, on behalf of the Bay of Quinté Annual Conference of the Methodist Episcopal Church in Canada; the Petition of the Reverend John Segbert, Bishop, and others, the Elders and Ministers of the Evangelical Association in Conference assembled at Berlin, County of Waterloo; the Petition of Robert Emond and others, of the County of Waterloo; the Petition of H. Glass and others, of the Counties of Kent and Lambton; the Petition of John McWhinnie and others, of the Town and vicinity of Woodstock; the Petition of the Reverend E. White and others, of the Town of Port Sarnia; the Petition of Mrs. A.H. Reid and others, females, residing in the County of Prince Edward; the Petition of Jacob Baltzer and others, of the County of Essex; the Petition of the Reverend Paul Robins and others, of the Township of Darlington; the Petition of John Chinie, on behalf of the Congregational Union of Canada West; the Petition of the Reverend Robert F. Burns, Moderator, and John Dickson, Clerk, on behalf of the Session of

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Chalmers' Church, Kingston, in connexion with the Presbyterian Church of Canada; the Petition of William Everett and others, of the Township of Chatham, County of Kent; the Petition of J.J. Harrison and others, of the Townships of Howard and Harwich, County of Kent; the Petition of John Dobbryn and others, of the Township of Sombra, County of Kent; the Petition of William B. Wells, Esquire, and others, of the Town of Chatham; the Petition of the Reverend James Rogers, Moderator, and William Gregg, Clerk, on behalf of the Kingston Presbytery of the Presbyterian Church of Canada; and the Petition of William Webster and others, of the Townships of Euphemia and Dawn, Gore of Camden, be referred to the Select Committee to which was referred the Petition of A. Jeffry, Esquire, Mayor, and others, of the Town of Cobourg and the Township of Hamilton, on the subject of Temperance.

Ordered, That the Bill for the relief of John K. Roche, Esquire, Deputy Provincial Land Surveyor, be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act for the relief of John Knatchbull Roche, of the Town of Port Hope, in the County of Durham, Provincial Land Surveyor."

Ordered, That Mr. Langton do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That the Bill to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Friendly Society, under certain restrictions, rules and regulations therein mentioned," be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to incorporate certain persons under the name of the Quebec Friendly Society."

Ordered, That Mr. Lemieux do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That Mr. Lemieux have leave to bring in a Bill to amend the "Act to regulate the exercise of certain rights of Lessors and Lessees," in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Petition of the President and Directors of the Grand River Navigation Company be referred to the Standing Committee on Standing Orders.

Ordered, That the Honorable Mr. Badgley have leave to bring in a Bill to amend and extend the Act incorporating a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Ordered, That Mr. Sicotte have leave to bring in a Bill to authorize the conveyance by the Catholic Parishioners of the Parish of St. Hyacinthe, of the personal property, buildings and immoveables appropriated to Divine Worship, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the eighteenth of February next.

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Ordered, That Mr. Poulin have leave to bring in a Bill to explain and amend the "Act to allow Notaries to call Meetings of relations and friends in certain cases, without being thereto specially authorized by a Judge," and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That Mr. Sicotte have leave to bring in a Bill to make more ample provision for the incorporation of the Town of St. Hyacinthe, and to extend its limits.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the eighteenth of February next.

Ordered, That the Bill to incorporate the Montreal Manufacturing Company, be now read the third time.

The Bill was accordingly read the third time.

[The bill] was opposed by MR. BROWN, on the ground that it gave the Corporation power to fix the capital stock at any sum under £100,000, with limited responsibility. The company might make their stock £10 and do business to the extent of millions, without any responsibility beyond the £10 capital. He thought the parties would find all they desired in the Joint Stock Companies' Act of 1850.⁴²

MR. PRES. EX. COUN. CAMERON also opposed the bill on the same ground⁴³.

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The Honorable Mr. Badgley moved, seconded by the Honorable Mr. Macdonald, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down, as follow;--

YEAS.

Messieurs Badgley, Burnham, Cauchon, Chapais, Christie of GASPE, Crawford, Dixon, Attorney General Drummond, Dubord, Egan, Fortier, Fournier, Gouin, Johnson, LaTerrière, Laurin, LeBlanc, Lemieux, Lyon, Macdonald of KINGSTON, Malloch, Marshildon, McDougall, Mongenais, Morin, Poulin, Ridout, Robinson, Seymour, Shaw, Sicotte, Stevenson, Stuart, Tessier, Varin, Willson, Wright of West Riding of YORK, and Young.--(38.)

NAYS.

Messieurs Brown, Cameron, Christie of WENTWORTH, Fergusson, Gamble, Hartman, Langton, Mackenzie, Patrick, Viger, and Wright of East Riding of YORK.--(11.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Act extending the powers of the British America Fire and Life Assurance Company on Marine Assurance; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Seymour reported, That the Committee had gone through the Bill, and directed him to report the same without any amendment.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act extending the powers of the British America Fire and Life Assurance Company in Marine Assurance."

Ordered, That Mr. Ridout do carry the Bill to the Legislative Council, and desire their concurrence.

MR. YOUNG⁴⁴ moved the third reading of the bill to incorporate the St. Mary's College.⁴⁵

MR. BROWN said this was a bill for the incorporation of a Jesuits' College at Montreal, with an income from real estate of £1,500, and personal estate to any amount. No check whatever was provided as to the manner of acquiring the property--and no proper returns made necessary under the bill.⁴⁶ [He] called for the yeas and nays.⁴⁷

MR. AT. GEN. DRUMMOND dit quelques mots⁴⁸.

MR. PRES. EX. COUN. CAMERON saisit l'occasion d'expliquer son vote lors de la deuxième lecture de ce bill.⁴⁹ [He] said that his opposition, and that of the Inspector General to this bill was founded upon the fact that⁵⁰ a general Act ... introduced by the Government⁵¹ was before the House for incorporating all similar bodies⁵², and therefore he deemed this to be unnecessary.⁵³

MR. AT. GEN. DRUMMOND said that it had been imputed to the Inspector General that he quitted the House to avoid voting on the second reading of this bill on a former evening. Such a statement was utterly false, and every member of the House knew it to be a falsehood. He was only temporarily absent, and when he returned, he said he would have voted against it. Although he opposed the bill, it was on the ground that a general bill would be passed⁵⁴. M. Drummond ... dit qu'il était faux que ses trois collègues eussent été mus par les sentiments qu'on leur attribuait ... il parla d'un écrit mensonger et calomnieux qui avait paru dans une certaine feuille de cette ville, et essaya de justifier aux yeux des membres bas-canadiens, la conduite de MM. Hincks, Cameron et Rolph en disant qu'ils avaient voté comme on sait, non pas parce qu'ils étaient opposés à l'incorporation d'institutions ecclésiastiques, mais

parce qu'ils voulaient que toutes ces incorporations fussent réglées par une loi générale! ... [Il] ajouta que lui-même se serait cru justifiable de voter comme ses collègues l'avaient fait, vu qu'on aurait pu attendre la passation de la loi générale qu'il avait introduite lui-même, avant de presser l'adoption du bill de M. Young.⁵⁵ On the same principle he regretted that he had voted in favour of a separate measure; and he had urged the member for Montreal to postpone this bill until the other could be passed. He concluded, by saying that he had risen to exonerate the Inspector General from any intention of opposing the institution which it was proposed to incorporate.⁵⁶

MR. D. CHRISTIE of Wentworth, wished to state the reason why he voted against the bill, which was the same as the Attorney General East had mentioned. He had no sympathy with those who entertained a hostile feeling against the institution in question; and his sole reason for opposing the bill, was that there was a general measure before the House.⁵⁷

MR. CAUCHON said that the hon. member for Shefford might⁵⁸ get up and⁵⁹ express great indignation at opinions as to the reason for the Inspector General voting, or not voting as he did.⁶⁰ Si les ministres ne pouvaient souffrir l'attaque, ils n'étaient pas faits pour être ministres.... Ils devaient s'attendre, dans leur position, à être souvent attaqués⁶¹ just as if positions changed others would become liable to the same criticism [sic]⁶² et tout ce qu'ils pouvaient faire, c'était de repousser l'attaque par la presse, si elle venait de l'extérieur, ou par eux-mêmes, si elle était faite dans la chambre ... pour lui, il se réservait le droit de juger les actes des ministres et de tous les hommes publics, se montrant toujours prêt, cependant, à rectifier des erreurs de faits s'il en faisait⁶³. When members had repeatedly left the House instead of voting it was not wonderful if people thought they did so again.⁶⁴ If individuals ... were placed in a false position by their own acts, it was not the fault of others; and it was for the public to judge in relation to discussions and proceedings that take place in the House; and a judgment was to be expressed, not there, where explanations must be accepted; but out of the House.⁶⁵ Whatever the reason why ministers voted against a good measure, it was of no consequence if they did vote against it, and people would judge of their opinions by the position, in which those gentlemen found themselves. He did not blame the men⁶⁶ dont plusieurs sont honnêtes, et ont sa confiance personnelle⁶⁷, but he blamed the unfortunate position in which some gentlemen were placed by their political alliances.⁶⁸ If the members of Government were placed in connexion with those whose sentiments were adverse to Lower Canada, they must necessarily be influenced by the opinions of those with whom they were associated, and must in this way be placed in a false position; but still they ought to vote in favour of measures that were desired in that section of the Province; but if Ministers of the Crown had to vote in favour of those with whom they were associated, it was unfortunate for them.⁶⁹ Tous les événements de la session avaient prouvé, à l'évidence ... ce qu'il avait dit au commencement, qu'un mauvais arbre ne produisait jamais de bons fruits, qu'une mauvaise alliance conduisait nécessairement à ses conséquences, et au but de son origine⁷⁰. As the House had been in session for three months without the general incorporation act passing, it was now time that the present bill should go on.⁷¹ He then went on at some length, animadverting upon the antagonism of members from Upper Canada, with reference to Lower Canada, who, he contended, did not reciprocate the feelings of the people there⁷². Now on this vote all the ministers from Lower Canada voted one way, and those from Upper Canada the other. What did he infer from that? Why that the Upper Canadian members were compelled by their position to vote in a manner opposed to those from Lower Canada--that the alliance, therefore, of the two parties, which formed the ministry was unnatural, monstrous, and impossible of endurance.⁷³ [He] expressed

his willingness to acknowledge his error, whenever it should be shown that he was mistaken, and to support the Government, whenever he approved of the course they were pursuing, and could do so consistently.⁷⁴

MR. INSP. GEN. HINCKS ... said he had listened with some attention, and had endeavoured to find out what he was alluding to; and he could come at only one conclusion, that he was alluding to something which had been written or spoken out of the House, and not within its walls⁷⁵ for which he felt a moral responsibility. The fact was that⁷⁶ he (Mr. Hincks) had had an opportunity of seeing that morning in a certain journal⁷⁷, as he often had before⁷⁸, a false, malicious, and slanderous attack made upon himself and his colleagues. That paper was the Journal de Quebec, and he repeated that the charges therein made were false, slanderous, and malicious, and the conductor of that paper had no right to bring charges against a fellow member, without the most satisfactory and conclusive proof of their correctness; and no member either in the House or out of it, was justified in attributing motives to another.⁷⁹ Il attaqua M. Cauchon et dit que son article était infame.⁸⁰ He could claim for himself, he said, that no member was more punctual than he was, and no one was less disposed to shirk a vote; and he would say, with reference to the slanderous attack in the Journal de Quebec, that when the vote was taken on the bill incorporating the St. Mary's College, he had been called out of the House, but stated on his return that he would have voted for the bill if he could have voted.⁸¹

MR. CAUCHON fit un long discours en justification de son article, admettant qu'il avait commis une erreur en disant que M. Hincks n'avait pas voulu voter sur la mesure pour cotiser les habitants des Trois-Rivières pour l'érection d'une église⁸². [Il] dit que n'étant pas présent lorsque ce dernier vote avait été pris, il avait dû s'en rapporter à la version qui lui avait été donnée par l'un de ses collègues; mais qu'il avait appris, depuis, les circonstances qui avaient empêché l'inspecteur-général de voter dans cette occasion, et qu'il croyait de son devoir de rectifier cette erreur de fait, tenant cependant à tout le reste parce qu'il était vrai.⁸³ [Il déclara] qu'ils [sic] persistait à croire que la partie clear-grit du ministère était hostile aux corporations religieuses du Bas-Canada et que le vote de l'autre soir était la conséquence de cette hostilité.⁸⁴

MR. INSP. GEN. HINCKS continued, if the member for Montmorenci was not present, and admitted that he was mistaken, it was most ungenerous and unfair to attribute to him motives of a most dishonourable kind. The entire argument of the member for Montmorenci had no reference to St. Mary's College, but was meant to show that the members for Upper Canada did not wish the college to be incorporated, and that unless the members of the Government voted in accordance with their views, they would not yield them their support. Their conduct, with reference to the bill which had been alluded to, proved that there exists no such feeling.⁸⁵ [He] appealed to all his votes [sic] to prove the slanderous nature of the charge against him. He appealed to his friends from Lower Canada and alleged that he had not opposed the incorporation of the College; but only wanted to have it incorporated under the general bill.⁸⁶ Puis il en appela aux membres canadiens-français et leur demanda s'il n'était pas vrai qu'il avait toujours respecté leurs institutions religieuses et d'enseignement, etc.⁸⁷ It was not the fault of the Government that the general bill of the Attorney General had not been brought under consideration, as the Attorney General had endeavoured ineffectually to get it before the House; the members of which, as he had stated on a former evening, had acted with great industry, and had been incessantly occupied with the public business. With reference to the present question, it was one on which he had not the slightest objection to give his vote.⁸⁸ It was not true that he was afraid to give a

vote. He defied the hon. member to show that he had ever shirked a vote on these measures; on the contrary he had⁸⁹ invariably⁹⁰ voted for every act of incorporation which had come up⁹¹ and if he was not disposed to do so on the present occasion, it was because there was a general bill before the House, which rendered it unnecessary, and there was no pressing necessity for taking it up previous to the adjournment. The member for Montmorenci was obliged to resort to these attacks, to justify himself in the false position in which he was placed; but which attacks, he (Mr. H.) would treat with perfect scorn and contempt.⁹² For his part he defied [sic] him.⁹³

MR. SICOTTE ... ne put s'empêcher de se lever pour blâmer le vote donné, l'autre jour sur la deuxième lecture du bill du collège de Sainte-Marie, par les ministres Haut-Canadiens; de trouver étrange que le procureur-général voulût arrêter la marche des mesures utiles et nécessaires, parce qu'il n'était pas prêt avec sa législation générale.⁹⁴ Il répudiait, pour sa part, la pré-tention émise par M. Drummond qui croyait que la population catholique du Bas-Canada devait attendre son bon plaisir et être privée de la mesure sous consi-dération parce que lui M. Drummond n'était pas prêt!⁹⁵ Quoi! dit-il, parce que le procureur-général n'est pas prêt à marcher avec son bill général, il faudra donc en l'attendant fermer nos collèges.⁹⁶ [Il] dit qu'il regrettait d'avoir entendu M. Drummond regretter son vote lors de la deuxième lecture de ce bill.⁹⁷ Quelque désireux que je sois ... de remplir mes obligations envers l'administration, comme homme de parti, je ne puis oublier que j'ai un autre devoir à remplir et que je ne dois pas lui faire le sacrifice des institutions du pays!⁹⁸ J'ai ... donné jusqu'à ce jour mon appui à l'adminis-tration, mais je ne suis pas disposé à lui continuer cet appui aux dépens de tout ce que les Canadiens-Français ont de plus cher. Je ne suis pas disposé à mettre en souffrance nos corporations d'éducation ou de charité, parce qu'il ne plaît pas à M. Drummond de procéder sur la mesure qu'il a introduite.⁹⁹ In his county he was opposed on the ground that he was a supporter of the minis-try, of which the hon. member for Montreal was a member, who was pledged as it was said to oppose all these acts of religious incorporation--if they could be called religious, which were intended only for educational purposes.¹⁰⁰

MR. AT. GEN. DRUMMOND ... voulut s'expliquer en disant que son honorable ami ne l'avait pas compris, ne pouvait pas l'avoir compris, et il entra en explications pour convaincre M. Sicotte qu'il avait mal interprété ses paroles.¹⁰¹ [He] repeated what he had already said as to his reasons for not voting against the bill.¹⁰²

MR. SICOTTE coupa court aux explications en disant qu'il avait parfaitement bien compris ce qu'avait dit le procureur-général.¹⁰³

DR. FORTIER could not understand the meaning of an opposition to a measure intended only to enable a set of men to bestow civil and moral religions upon the youth of all classes, without any attempt to change the religious opinions of any.¹⁰⁴

MR. PROV. SEC. MORIN was not sorry that he voted in favour of the bill, as the Attorney General East had expressed himself, but he rose to justify the members for Upper Canada, whom he had known for a long time, and who were not actuated by the feelings that had been attributed to them¹⁰⁵ [but] by perfectly proper reasons.¹⁰⁶ Il dit qu'il faut que le député de Montmorency calomnie quelqu'un ou quelque chose!¹⁰⁷ [He] was in the habit of making attacks without sufficient grounds, and leaving it for them to defend them-selves; and when he is proved to be in error, does not recant. Of this he might be sure, that he would not make either political or religious capital by the course he was pursuing, in the gratification of a morbid appetite;

and his conduct reminded him (Mr. M.) of a public officer who made overcharges in his accounts; and when asked why he did so, replied that it was the business of those who examined them, to discover, if they were correct.¹⁰⁸

MR. TESSIER soutint la position prise par M. Cauchon, et dit qu'il lui était pénible de dire que pour obtenir justice pour le Bas-Canada et protection pour ses institutions, il fallait les chercher à la gauche de cette chambre (chez les conservateurs Haut-Canadiens). Qu'il commençait à être fatigué d'entendre tinter à ses oreilles, les insultes continuelles faites aux chefs de l'église catholique, lorsque les catholiques ne proféraient jamais une parole de ridicule ni de blâme contre une croyance religieuse quelconque.¹⁰⁹ Je regrette le vote des membres du ministère pour le Haut-Canada lors de la seconde lecture de ce bill. Je regarde comme une insulte fait à ma croyance l'introduction d'une mesure générale dans le but avoué d'empêcher les criaileries de certains partisans de l'administration chaque fois qu'il s'agit d'une mesure de la nature de celle qui nous occupe actuellement. Cette mesure générale, justifie ce qui a été dit à cet égard dans cette chambre, qu'elle était proposée pour plaire aux préjugés ou aux opinions de quelques membres de cette chambre appartenant au parti ministériel.¹¹⁰

MR. CARTIER said, while members were debating measures, they frequently lost sight of the subject under discussion; and if any stranger had entered the House that evening, he would have supposed that some great religious question was at issue. Such was not the case, as the question to be determined was, whether certain gentlemen should be permitted to devote their funds to the education of youth. He should, however, make a few remarks which had been suggested by the discussion that had taken place, and which he was glad the third reading had produced; because it had shown that the Inspector General did not fall in with the member for Kent on this question. From the circumstance that they were found voting together, it might have been concluded that they agreed in opinion as to the bill for incorporating St. Mary's College.¹¹¹ Now he was glad to see that the hon. member for Oxford was not of the same mind as Mr. Brown, and was, therefore, not sorry that the hon. member had explained himself, for in Lower Canada people despised men who would not give a legal entity even to religious corporations.¹¹² He must say, he regretted that the Inspector General had given a silent vote on the second reading, because, as a distinguished member of the Government, in whom the people of Lower Canada have the greatest confidence, it might lead to his conduct being misconstrued, and to the supposition that he agreed with the member for Kent, who was also opposed to a general bill; and who is frightened to death at the sight of an ecclesiastical cravat. From the declaration of the Inspector General, he (Mr. C.) thought he would vote for the bill if disconnected; but was not disposed to do so, because he thought its enactments would be embraced in the general bill. The member for Kent, he said, belonged to a church which must have a temporal entity, and which also¹¹³ in order to preach the gospel must have a legal incorporation.¹¹⁴

MR. BROWN said not at all.¹¹⁵

MR. CARTIER.--Why the ministers of all religions married, and therefore the law conferred on ministers not only religious but civil functions.¹¹⁶ He ought to know, that without law they cannot administer the sacrament of marriage.¹¹⁷

MR. BROWN said, there are two ceremonies of marriage--one is civil, the other religious: in order to obtain the protection of the civil law for the contract, the parties procure a license. The religious service is performed without any license. There were, however, two churches that do not require

any license--the Church of England and that of Rome; but that inequality would, he trusted, be speedily removed.¹¹⁸

MR. CARTIER replied, that the member for Kent had not been able to deny that the ministers of religion were a legal entity, and even that those of his own church can confer a sacrament, but must obtain a license to do so; and who is therefore a civil officer.¹¹⁹

MR. BROWN.--Marriage is not a sacrament; and you are all wrong besides.¹²⁰

MR. CARTIER said, in conclusion, that the Administration ought not to object to the present measure, it being only an instalment of the general bill; and to show that they are not to be frightened by the Clear-Grit or anti-religious feeling that is abroad, and are not disposed to give way to pharisaical brawlers.¹²¹

MR. BROWN said he hoped the House would indulge him¹²².

FRENCH MEMBERS.--No. No--spoke, spoke.¹²³

MR. STEVENSON moved that Mr. Brown have leave to speak again¹²⁴.

[The motion] was carried on a division.¹²⁵

MR. BROWN said he should not detain the House long, and he trusted the gentlemen of Lower Canada would curb their impatience, even though what he had to say should not be very palatable to them. He was desirous of explaining the grounds on which he opposed the bill before the House. Hon. gentlemen should bear in mind that their votes involved the legal recognition of the order of the Jesuits--a body driven out of every Roman Catholic country in Europe--and therefore to be treated with great suspicion. An attempt had been made to treat this as a religious question--but for his part he regarded it simply as a question of political economy; as one of a series of measures deeply affecting the moral and material interests of the country. He did not oppose these Corporations because they were chiefly in favour of one particular church; on the contrary, he was opposed to them, from whatever quarter they emanated. The first bill of this kind he had opposed, was one brought into Parliament in 1843, when the legislature sat at Kingston. It was in favour of the Clergy of his own church, (the Presbyterian,) and his attention was called to its injurious tendency by a member of the present Government. An agitation through the press was commenced against it--the laity joined in the agitation, and the bill was thrown out and never attempted to be resuscitated. From that day to this, he had opposed all such measures, and he did so on distinct grounds. He opposed granting power to such bodies to hold real estate for endowment. Corporations never die--the Trustees can spend the annual income, but they cannot touch the principal. All new acquisitions, therefore, go on accumulating from year to year, and with the rise in the value of property, in the course of time they become rich and powerful. They cannot sell their lands--they lease them--which carries with it a double evil. It creates a dependent tenantry in the country--makes the clergy, lords of the manor, with an influence far from desirable. It retards the improvement of the soil; tenants will not spend money in improving leasehold property, and the trustees of the day make the most of their term of incumbency, and care not to spend the yearly income in increasing the principal, for the benefit of their successors. Let hon. gentlemen ... on the evil which the Clergy Reserve ... been to Opposition....Was the experience of the past such as to induce us to encourage it? He thought not. The character of our institutions, the whole tendency of public feeling was against landed Corporations--against everything like a tenant system. The main-stay of Canada was her hardy, inde-

pendent yeomanry, living on their own lands, with no rent-day in prospect, to un-nerve them. The extent to which the chartering of these bodies had been carried, was already sufficient to alarm any reflecting person. Not less than ten millions of acres were held by perpetual Corporations in Canada, and at the value which a few years would give to this immense amount of property, the effect of the system on the general interests of the community, would be injurious in the extreme. A second objection he had to bills such as this, was a strong conviction on his mind, that the monastic system was a great evil and ought not to be encouraged. History showed that wherever monasteries and nunneries abounded they were a curse to the country. In Spain and in Rome--aye, even in Lower Canada, the pernicious influence they exert was manifest in the enervated character of the people. Even the collection of children in large numbers, in hospitals and other benevolent institutions, had been shown to have an injurious effect on their moral and physical characters.¹²⁶

Loud cries of no, no, from the FRENCH CANADIANS, and warm expressions of dissent.¹²⁷

MR. BROWN [continued:] Hon. gentlemen were indignant at those statements--but they must recollect that these were matters on which differences of opinion might and did exist--that they were of vast importance to the welfare of society--and that their discussion was not to be choked off, because it was disagreeable to some hon. gentlemen, or dangerous to the political alliances of others. For his part he was sent there to deal with all questions affecting the public weal--and he meant to speak his mind fully and freely, and would not be put down. When the general bill of the Attorney General came before the House, he would be prepared to prove the correctness of his assertions from the page of history, and from facts patent to every one at this very moment. Another great objection he had to this and all the bills of late years granted to ecclesiastics in Canada, was the absence of all check over the manner in which they acquired property. The power of the confessional was well known to every one, and the inducements held out to dying persons to make peace with Heaven by bequeathing their property to the church. In all countries this had been found a great evil, and in all countries but this, a check was exercised over it. All over the Roman Catholic continent of Europe--no man could leave more than a certain proportion of his property to the church, past his relations--and even that portion the church could not accept without the express consent of the government. Under the Code Napoléon, no ecclesiastic was allowed to receive a bequest for himself, or to act as executer. In Canada alone were the children of the dying man, with his mind perhaps weakened by disease, left unprotected from the persuasions of their father's spiritual adviser, or from the effects of remorse and superstition on his conscience. No Corporation should be allowed to inherit property which was not bequeathed twelve months before the death of the testator, and registered within six months before it. (Hear, hear.) These were the main grounds on which he opposed these Corporations--and he desired the hon. gentlemen from Lower Canada to understand distinctly, that his views were shared in by the whole Protestant population of Upper Canada. The members who sit on this side of the House for Upper Canada constituencies, without any exception, held these sentiments at the hustings, at the late general election, and however they may speak now, their constituency held those sentiments still. There was scarcely a "platform" set up by any County Reform Association, hardly a series of resolutions at any public meeting, in which "no ecclesiastical corporations!" did not form a conspicuous "plank." For his (Mr. Brown's) part, he had always avowed the same views as he did now--he took it up with no paltry aim, as electioneering clap-trap, but from a deep conviction of its important bearing on

the best interests of the Province; and he would never drop its agitation until the evil was redressed. It was not a little singular--and it showed the strong feelings of the people of Upper Canada on the point--that strong as his views upon this question had ever been, one of the great grounds of attack upon him at the Kent election, was his alleged infidelity in regard to the chartering of these Corporations. The hon. President of the Council (Mr. Cameron) canvassed the County against him, and his great weapon was, that he (Mr. Brown) could not be trusted to go the full length on such questions¹²⁸.

MR. PRES. EX. COUN. CAMERON said he had never said anything of the sort.¹²⁹ Il ... [a] défié M. Brown de dire qu'il eût jamais parlé contre les corporations religieuses ou les institutions catholiques d'enseignement du Bas-Canada.¹³⁰ [He] would go for a general bill.¹³¹

MR. BROWN.--The hon. gentleman says he never declared himself against ecclesiastical corporations! Could I be astonished at anything that hon. gentleman might say, I would stand astounded by such a statement. I hold in my hand a placard written by that gentleman, in his own elegant style, signed by himself, and distributed by thousands at the Kent election. It is headed "Malcolm Cameron again!" and with the leave of the House I will read a few lines to show what reliance may be placed in the statements of the President of Her Majesty's Executive Council:--"I declare I never did say that it would be a disgrace to any reformer to vote for Arthur Rankin. But I did say it would be a disgrace to Kent and Lambton to have to borrow a man. I agree with Mr. Brown, it is better the Tories (Mr. Larwill) get in, than that Reformers should be sold by another Hugh Scobie in the person of that political prostitute--George Brown." (Loud cheers¹³², cries of hear, hear¹³³, and laughter from the Treasury benches.) And how was this elegant term applicable to me?--why was I a political prostitute in the eyes of the President of the Council? Because--and I pray the House to mark the hon. gentleman's words, and compare them with the tale he now tells--because, he says, I "sustained the late Administration in all their Acts--shunning Reserves and Rectories--ENDOWING NUMBERLESS SECTARIAN AND CATHOLIC COLLEGES AND CORPORATIONS IN 1849 AND 1850, and in repealing the School Bill that had NO SECTARIAN CLAUSE, and introducing one that had."¹³⁴

Cheers and loud cries of hear, hear, oh, oh, from the FRENCH CANADIAN MEMBERS.¹³⁵

MR. BROWN.--These were the grounds on which I was indicted by the member for Huron, before the electors of Kent and Lambton. Not that I had voted for Catholic Colleges and Corporations--not even that I advocated them--but that I "sustained" a Ministry stamped with the crime of doing so! And yet this man has the hardihood to stand up in this House and make the solemn declaration that he never announced himself in opposition to ecclesiastical corporations! And let it not be supposed that the member for Huron stands alone--there are not three Reform members from Upper Canada who do not stand equally pledged on those questions.¹³⁶ The hon. member continued to allege, that in spite of their pretensions the whole of the ministry from Upper Canada were in reality of his way of thinking, and they had all declared themselves to be so, except the hon. Inspector General, to whom he gave credit for having always acted in the same way as at present.¹³⁷ I would like no better issue on which to go before the electors of any western county with one of those recreant Reformers, than this vote to erect a Jesuit College in Montreal, with unlimited power for the acquisition of property. I fancy that nothing more would be necessary to secure his defeat. The hon. member for Montmorenci was quite correct when he said there exists a distinct difference between Upper

and Lower Canada on this question. There is no use in denying it, and the best way is to meet it honestly and openly. Nothing can be more contemptible or demoralizing than to see a set of men, like the member for Huron, with one set of professions and principles for their constituents in Upper Canada, and another set for their allies down here.¹³⁸

MR. PRES. EX. COUN. CAMERON said he would go for a general bill.¹³⁹

MR. BROWN.--Yes, you'll go for a general bill, ten times worse than the evil it is intended to rectify! The present system gives us a chance to agitate the general question at every fresh application--your general bill, the precious production of your model Clear Grit Government, would erect them by hundreds secretly in a registrar's office, without one word of inquiry or explanation. No doubt the hon. gentleman will go for a general bill, but we will have a few words upon that subject ere the bill becomes law. For all these doings, a day of reckoning will come yet.¹⁴⁰

MR. MERRITT did not understand this splitting of straws. Members all say they will vote for a general bill. Had the same ... would have that evening ... under consideration, but as it had gone so far, he would vote for it, and also for a general bill.¹⁴¹

MR. AT. GEN. RICHARDS had heard a good deal of discussion, but the bill was word for word almost the same as the charter for Trinity College, which has an income of £5000, while St. Mary's College has property only of the annual value of £1500.¹⁴²

MR. BROWN said he opposed the charter to Trinity College.¹⁴³

MR. AT. GEN. RICHARDS continued, and said he felt disposed to lend his assistance to any measure, the object of which was to promote education. He thought such would be the effect of the bill before the House; and as the general bill would be a matter of convenience, it should continue to have his support.¹⁴⁴

MR. COM. CR. LANDS ROLPH voted for this bill on the principle that it is a voluntary association which came before the House asking for leave to hold property.¹⁴⁵ [He] held that persons should be allowed to do anything that the voluntary principle enabled them to do; and the present bill only enabled such bodies to hold property conferred on them by voluntary gift[s], which without such law they could not do. At the same time he held that such bodies might accumulate too much property, and¹⁴⁶ he would certainly go for a limitation to the amount of property held by them. But it was said by some members "oh! they hold a religion different from mine;" that was exactly the principle lurking in the breast of every Clear Grit, and he wished they could all free themselves from its influence as much as he did from long practice both in and out of Parliament. He would vote for this bill as readily as for a bill for Trinity College, or for a bill empowering an infidel association to hold property for educational purposes. Yes, he saw no reason why anybody coming before Parliament should not obtain equal rights, no matter what might be their religious creed, if they stated that they merely desired to hold property for the purposes of education; but if anybody came forward and asked for endowment by the public for sectarian purposes, he should feel bound to oppose the grant. He made these remarks to put a stop to¹⁴⁷ the cowardly course that was taken by¹⁴⁸ some members in the House¹⁴⁹ of trumpeting forth to the world, faults which they fancied they had spied out in other men's conduct¹⁵⁰--exercising a sort of espionage on the actions of hon. members and would perhaps again resort to if he remained silent. He had intended to make one or two more remarks and state one fact, but he would

refrain as he might appear to be too severe on the gentlemen of the fourth estate--he would spare them¹⁵¹.

Cries of don't spare them.¹⁵²

MESSRS. CAUCHON and BROWN.--Don't--ah, don't--pray go on!¹⁵³

MR. CAUCHON said that there was no necessity to spare the press. He stood there to defy such remarks.¹⁵⁴ [Il] l'invita à mettre sa menace à effet, et de faire de suite son travail d'anéantissement, si cet anéantissement devait avoir lieu.¹⁵⁵ When the press was with gentlemen opposite they thought it very good: when¹⁵⁶, as the exponent of public opinion¹⁵⁷, it opposed them, they declared it was slanderous.¹⁵⁸ Il lui dit que, pour lui, il se rira de ses menaces ridicules et qu'il se tenait solidaire de ce qu'avait dit le Journal touchant la conduite des ministres, à l'exception de l'erreur de fait qu'il admettait avec empressement et qu'il corrigerait sans retard.¹⁵⁹ He ... repeated that what he said was well founded on the grounds that some members of the ministry had voted one way one night, and been forced¹⁶⁰, parce qu'ils avaient peur de l'opinion publique bas-canadienne¹⁶¹, to change their votes on another night. The Land bill read by Mr. Brown was proof of their principles.¹⁶²

MR. INSP. GEN. HINCKS.--It is not true.¹⁶³

MR. CAUCHON.--It is true.¹⁶⁴

MR. INSP. GEN. HINCKS.--It is false.¹⁶⁵

MR. CAUCHON.--That is false. The assertions contained in that article are proved by the votes given to-night.¹⁶⁶

MR. PRES. EX. COUN. CAMERON rose to order. It was contrary to the rules of the House for any member to continue to attribute motives to another when he had been informed that he was in error.¹⁶⁷

MR. CAUCHON was quite willing to drop that point. He would not have said a word about the discordance between the votes, if any explanation had been given why members chose to change round from one side to another.¹⁶⁸

MR. INSP. GEN. HINCKS said that the subject had been already explained several times.¹⁶⁹

MR. CAUCHON continued to say, that when members of the Government, who had only obtained their present position through the support of the press, and who only retained that position by their inability to secure the services of a portion of the press¹⁷⁰, which they still liberally paid for and supported¹⁷¹, got up in the House, and made use of mysterious threats, as though the press would sink and cower at their feet in terror, he could only deride the ridiculous exhibition, and dare them to do their worst.¹⁷² He would not have spoken but for the remarks of Dr. Rolph about the press. He would spare the press forsooth--as if his words would melt people. If he thought so, let the hon. member try to melt him (Mr. C.) at once. In the meantime he could assure the Speaker that the debate that night would furnish matter for some excellent articles (laughter and cheers).¹⁷³

(400)

The Honorable Mr. Young moved, seconded by Mr. Lemieux, and the Question being put, That the Bill to incorporate the St. Mary's College of Montreal, be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Cauchon, Chabot, Chapais,

Glendon, Crawford, Dixon, Attorney General Drummond, Dubord, Egan, Fortier, Fournier, Gumble, Govin, Hincks, Jobin, Langton, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, Macdonald of KINGSTON, Marchildon, McDougall, Merritt, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Tessier, Varin, Viger, Willson, Wright of West Riding of YORK, and Young.--(54.)

NAYS.

Messieurs Brown, Christie of WENTWORTH, Fergusson, Mackenzie, Malloch, White, and Wright of East Riding of YORK.--(7.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, that Louis Lacoste and Edward Short, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

Ordered, That Mr. Short do attend in his place in this House, To-morrow.

The Order of the House of yesterday, for the attendance of Louis Lacoste, Esquire, in his place in this House, this day, being read:--And Mr. Lacoste not attending in his place;

Ordered, That the 84th Section of "The Election Petitions' Act of 1851" be now read:--And the same being read;

Ordered, That Louis Lacoste, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, and not having been present within one hour after the time appointed for the meeting of the Committee, yesterday, and this day, and not having attended in his place in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

The Order of the day for the second reading of the Bill to provide for the incorporation of a Company to construct a Railway from opposite Quebec to Trois Pistoles, and for the extension of such Railway to the Eastern frontier of this Province, being read;

MR. INSP. GEN. HINCKS moved the second reading of the bill to incorporate the company for the construction of a railroad from Quebec to Trois Pistoles. The subject had been already so fully discussed, that he thought it unnecessary to go into it now.¹⁷⁴

MR. BROWN called the attention of the House to the fact, that Mr. Howe had sailed for England, with the expectation of getting the Imperial guarantee for a loan, to construct the Nova Scotia railways, and to the additional fact, that Mr. Jackson expected to get the Imperial guarantee for a part of the Canadian line. He therefore thought it would be more than ever inexpedient to go on with this measure at the present moment. He would not detain the House, as the whole case was before it; but he would vote against the second reading, and call for the yeas and nays.¹⁷⁵

(400)

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and

(401)

the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Chabot, Christie of GASPE, Christie of WENTWORTH, Clapham, Attorney General Drummond, Dubord, Egan, Fournier, Hincks, LaTerrière, Laurin, LeBlanc, LeBoutillier, Lemieux, Macdonald of KINGSTON, Merritt, Morin, Patrick, Prince, Ridout, Attorney General Richards, Robinson, Rolph, Rose, Sicotte, Street, Tessier, Viger, and White.--(33.)

NAYS.

Messieurs Brown, and Malloch.--(2.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Street reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Street reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill to empower the several Railway Companies whose Railways form part of the main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies, being read;

MR. INSP. GEN. HINCKS had stated on a former occasion that certain parties, formerly of the Kingston and Montreal Company, had taken stock in the company recently incorporated to construct the Main Trunk Line, and in accordance with their desire, a bill had been introduced by him to empower railway companies on the Main Trunk Line to unite with any other such company. He now moved for its second reading.¹⁷⁶

MR. BROWN said that of all the bills on the subject of railroads which had been before the House, this was the most dangerous. Its object was to create one great mammoth institution of the leading railroads of the country. If this were effected, it would create a power which was never witnessed in any other country, and which would not be readily sanctioned in any well-governed country. The power of the National Bank of the United States was not yet forgotten, but it would be nothing compared with the immense influence which this company would exercise in so small a community, from the extent of patronage in its control, and the immense monetary influence it would possess. The very collection and issuing of bank-paper which it would have, would be a powerful instrument. He hoped that the House would reflect most seriously before giving its assent to the creation of such a monopoly.¹⁷⁷

(401)

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and the Question being put, That the Bill be now read a second time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Cameron, Cauchon, Chapais, Christie of GASPE, Clapham,

Crawford, Attorney General Drummond, Dubord, Fortier, Fournier, Hincks, Johnson, LaTerrière, Laurin, LeBoutillier, Lemieux, McDougall, Mongenais, Morin, Morrison, Poulin, Attorney General Richards, Prince, Robinson, Rolph, Shaw, Sicotte, Taché, White, Willson, and Wright of West Riding of YORK.--(32.)

NAYS.

Messieurs Brown, Beale, Langton, Lyon, Macdonald of KINGSTON, Marchildon, and Stevenson.--(7.)

So it was resolved in the Affirmative.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

(402)

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Cauchon reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Cauchon reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill from the Legislative Council, intituled, "An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mongenais reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Mongenais reported the Bill accordingly; and the amendment was read, as followeth:--

Page 3, line 16. Leave out from "Province" to the end of the Bill, and insert "provided that this Section shall not apply to existing contracts."

The said Amendment, being read a second time, was agreed to.

Ordered, That the Bill be read the third time To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to provide for the better organization of Agricultural Societies in Lower Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Dubord reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The Bill to extend the provisions of the eighteenth Section of "The Railway Clauses Consolidation Act" to the Peterborough and Port Hope Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Langton do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to give effect to

certain proceedings under the Act, intituled, "An Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight," being read;

*The Honorable Mr. Morin moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That the Bill be now read a second time;*¹⁷⁸

MR. PROV. SEC. MORIN moved the second reading of the¹⁷⁹ bill to give effect to certain proceedings under the Act entitled "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion, in the year 1837 and 1838." That Act had expired on the 1st September, 1850; and in order to carry out the object of the Legislature, it became necessary to pass this bill. The Commissioners had been repeatedly urged by the Government to prepare and furnish their report before the expiration of the Act, but he was obliged to confess that all their effort had failed. He asked nothing more than the confirmation of the reports of the Commissioners. He believed that the simplicity of the bill--being a mere abstract question of the extension of time--would not in itself cause any angry feelings; at least his speech should not give rise to such feelings.¹⁸⁰ He said that he wanted to make no allusion to the troubles which followed the passing of the bill now to be continued. He thought still, as he had always thought, that that act was just; but whether just or not, he thought all parties would desire to see the law carried out, and the promises of remuneration which it contained fulfilled.¹⁸¹ The Commissioners stated in their report the manner in which they adjudicated on the claims; and without expressing any opinion as to their adjudication, he would say that certain persons who had preferred claims were excluded by them, and it was with reference to these decisions that the difference of opinion occurred between himself and his friend from the County of Beauharnois. The Commissioners being numerous, and the time of their sitting having been prolonged for nearly three years, the expenses were very large, being not much less, he believed, than £12,000: this, it would be perceived, very materially reduced the amount which was appropriated by Parliament for the liquidation of the losses. The member for Beauharnois had differed with the other Commissioners in several points, and although he (Mr. M.) also differed in opinion from the Commissioners, as to their course of action, yet he must say that he could not concur in the resolutions which that hon. gentleman had laid before the House. They appeared to him to lay down principles beyond the law, and even beyond the power of Parliament. The Parliament had no power to resist the acts of those Commissioners; and the idea of establishing a new commission was utterly out of the question. If the Commissioners had reported in time, the Government would have paid the claims on which they reported favourably, but as they had not reported in time, the whole of the claims adjudicated upon must fall to the ground, unless the House passed the bill. The resolutions of the member for Beauharnois considered questions which the House had not the right to consider. There were cases of hardship, of suffering, no doubt, but he could not propose any other measure than that before the House as the greatest measure of relief which could be afforded. He believed, and he felt the responsibility of his position, that the parties interested would be satisfied with the proposition he made, that the acts of the Commissioners, after September, should be equally valid with their acts previous to that date.¹⁸²

MR. BADGLEY desiring to carry out the law in ... its true spirit, wished the hon. Provincial Secretary to postpone this bill till after the adjournment in order to give an opportunity for the House to look at the report of the

commissioners in order that it might judge of what was correct.¹⁸³ It was in no unfriendly spirit that he made this request, as he looked upon it as the duty of the House to carry out the law passed by the Parliament of 1847; he merely wished that the House should be in a position to judge properly of what they were doing. He understood that some of the acts of the Commissioners had been illegal--that they actually had set aside decisions of courts of law, and if the bill before the House were assented to, they might in reality be giving some of those acts the sanction of Parliament.¹⁸⁴ The legislation or intended legislation was based upon the reports of these commissioners, and he read some lengthy extracts from them. That being so, the House also in order to be able to legislate intelligently, ought to know what these reports contained.¹⁸⁵ He put his observations, simply on this ground, as he desired to have the information contained in the report of the Commissioners, as to their proceedings, and also as to the amount of expense incurred before and after the 1st September, 1850.¹⁸⁶ It seemed from what had been stated that a great part of the expense of the commissioners amounting to some £6000 had been incurred since the 1st Sept. 1850. That seemed [sic] to him a very large sum, and the House ought to have some information upon the subject.¹⁸⁷

MR. LEBLANC in consequence of want of time to prepare himself¹⁸⁸, moved the postponement of the second reading of the bill, until after the papers which it proposed to render valid, had been printed and considered by the House. He was desirous of this postponement, in order that the House might have an opportunity of viewing the violation of the law of indemnity by the Commissioners, before rendering their acts valid by passing this bill. In asking the House to take this action, he did not propose to convert the House into a Court of Appeals, as the Provincial Secretary had intimated, but simply to guard hon. members from unguardedly falling into error. When the question came up for consideration on its own merits, he would then be prepared to go into it fully.¹⁸⁹

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Mr. LeBlanc moved in amendment to the Question, seconded by Mr. Gouin, That the word "now" be left out, and the words "after the proceedings which it is intended to validate and render effectual shall have been printed

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according to the Order of this House, and after the Resolutions which are to be submitted to the consideration of this House shall have been so submitted and considered" added at the end thereof;

And a Debate arising thereupon;

MR. INSP. GEN. HINCKS said it was with deep regret that he heard the announcement made by the member for Montreal; for he had trusted that there would not be a revival of the scenes which had occurred in this House formerly. (No, No.) If hon. gentlemen would look at the resolutions which had been laid on the table by the hon. member, they must perceive the effect that the discussion of these resolutions would have on the country, and unless they were prepared to assume the responsibility of these resolutions, they could not support the motion before the House. That was the opinion which the Government had come to, after giving the matter their best consideration.¹⁹⁰ He asked any gentleman to read the resolutions of the hon. member for Beauharnois, and say whether they could lead to anything but painful and evil excitement....He desired to re-open the whole subject and to make the House act as a court of appeals over the Commissioners. If the Commissioners had made their report within the time limited by the act, it was admitted there would be no need for new legislation. Unfortunately they could not get through the investigation within the time fixed by the law.¹⁹¹ What did the Government ask? Simply to

have the report of the Commissioners considered as being as valid at the time when it was sent in as if it had been sent in during September¹⁹². The question now was ... in fact, whether the decision of all claims should be left to the commissioners, or not. If it should be, then there was no possible use in delay, and he hoped it would not be granted.¹⁹³

MR. LEBLANC said that a large class of claims had not been adjudicated on until after the law expired, and it was these decisions which the Government proposed to render valid.¹⁹⁴

MR. INSP. GEN. HINCKS could not see the necessity for revising the action of these parties, and opening up a question which might produce the most disastrous results. He could understand the argument on the part of the member for Beauharnois, but he could not understand it when it was also used by the member for Montreal, from whom he must confess that he had not expected any opposition.¹⁹⁵ The hon. member was shocked at the expenses. No one was more shocked than the government, but they were placed in a very delicate position by the events of 1849, and after hastening the proceedings of those gentlemen as much as possible, they thought it best to allow them to go on.¹⁹⁶

COL. PRINCE could not see the gain to be made by postponing the second reading, as it was avowedly proposed for the purpose of opening up the question, thus ripping open old sores, and uselessly wasting the time of the House.¹⁹⁷ He had been opposed to the rebellion losses bill as much as any man on the floor of the House, but the bill was law and must be carried out.¹⁹⁸ The member for Montreal would not have opposed the report if it had been presented before 1st September, 1850; and in that case he could not understand what objection there could be to legalize the acts of the Commissioners because the report may have been presented a few days after 1st September, 1850, on the ground that certain papers were not printed. The object of printing these papers was to adjudicate on the acts of the Commissioners; wrongly, as he conceived, for in that case a Commission would be utterly useless.¹⁹⁹ Even the delay which had already taken place had caused many poor people to sell their claims for half or one third the amount. Delay then was not likely to do any good, and it would be better to accept the decision of the Commissioners as final, as was done in Upper Canada.²⁰⁰

MR. LEBLANC again spoke; but in a tone which it was impossible to understand.²⁰¹

MR. COM. PUB. WORKS CHABOT replied²⁰², in French²⁰³, that he was shocked to hear the French Canadian members of the House speak of the ministers being in power to protect French Canadian interests. They were there to protect all interests alike, and if the Commissioners had acted as improperly as the hon. member said he ought to have left them and not have gone on taking the public money with them for two years after the time fixed by law for the commission to terminate. Now the hon. member wanted another commission to be appointed. He thought for every interest the House ought to carry the present bill without delay, and so allow those who were to get any thing under it to do so at once.²⁰⁴

MR. LEMIEUX ... addressed the House in French.²⁰⁵

DR. FORTIER addressed the House in French.²⁰⁶ [He] did not blame the Commissioners but it was a fact that they did not seem to have done justice in all cases. The question then was whether the House should sustain the decision of the Commissioners, and he thought they should.²⁰⁷

MR. BADGLEY ... [déclara] qu'il faut mettre l'acte de 49 à effet, mais ... [il désirait] un délai pour cette seconde lecture.²⁰⁸

MR. J.A. MACDONALD with due deference to the Government thought the best way to avoid discussion would be to accept the proposition of the hon. member for Montreal.²⁰⁹ If the member for Beauharnois would alter his motion simply to one of postponement, it should have had his vote. If the members of the Government wished to avoid excitement, they would allow the report to be printed, for it was clear that forcing the measure through to-night would be a certain means of defeating the very object the Government had in view.²¹⁰ He could understand no possible reason for bringing down the measure at the present time unless it was the fear of the people knowing anything about it. The bill was evidently brought down at present only to push it through, when people were wishing to go home; but this would not stop discussion²¹¹, instead of one they would have a dozen.²¹² If the bill were past, it was evident to any one that the discussion would take place, for the hon. member for Beauharnois had an object to attain, and would bring up the subject whether the bill were passed or not, and the popularity was that brought down at this unfortunate period of the session, the subject would be discussed from the 15th February to the end of the session. It would make two discussions instead of one that would be all the difference.²¹³ He wished to know why the House should not have an opportunity of reading the report?²¹⁴ The Provincial Secretary was obliged even that evening to refer to the report and why should not the House have the same advantages. The report was not intended as a job for printers; but to give information to the House.²¹⁵ As a member of the Conservative opposition, he would state that no one in the House was more anxious than they were to avoid a repetition of the scenes of 1849; but he could not vote for this bill without knowing what the acts of the Commission were in the first place; whether they were such as the House ought to legalize or not. The Government pretended to be greatly shocked by the expense of the Commission; but what was the fact? The law constituting the Commission expired in September, 1850, and yet they came down year after year, and asked the House to appropriate money for the payment of the Commissioners; when in reality their first act in the session of 1851 ought to have been a bill to revive the Commission. They did not like to do that, however; they did not like to enter into the subject then.²¹⁶

MR. INSP. GEN. HINCKS.--That is just the case.²¹⁷

MR. J.A. MACDONALD.--They were in Upper Canada then.²¹⁸

MR. INSP. GEN. HINCKS.--We knew where we were.²¹⁹

MR. J.A. MACDONALD.--They preferred to break the law, rather than bring in such a bill in Upper Canada²²⁰, but they seized this opportunity at a late hour of the night at the close of the session, to attempt to force it through.²²¹ And now the hon. member talked of others taking the responsibility. He threw a bomb shell into the room and then talked about others being responsible.²²² He hoped that the Inspector General would consent to a delay.²²³

MR. INSP. GEN. HINCKS.--We won't! We are prepared to take the consequences; and you must take them too!²²⁴

MR. J.A. MACDONALD.--The hon. gentleman spoke in his usual style of sweetness in that House. He would not speak in the same style out of the House, for there was a means of checking it there. The Inspector General said "we won't." It was absolutely indecent.²²⁵

MR. INSP. GEN. HINCKS denied that his reply was indecent; the Government was asked to postpone the bill, and he said "we won't;" there was nothing indecent in that.²²⁶

MR. BADGLEY.--It was the manner.²²⁷

MR. J.A. MACDONALD.--Manner! He has got no manners.²²⁸

MR. AT. GEN. DRUMMOND really thought the hon. member had lost his usual good temper. He ... Inspector General had no other intention than to give a direct reply to his question.²²⁹

MR. MACKENZIE declared that he would not vote for a report without reading and understanding it, and he contended that from what he could see of it, the report was²³⁰ un libelle malicieux contre une bonne partie de la population du Bas-Canada²³¹ who had merely defended the rights of humanity. He did not want to say a word, if postponement were allowed.²³²

MR. BROWN said that the tone of the debate was altogether wrong. There appeared to be a fear of another such scene as that of 1849. Nothing was more absurd. The sure way of renewing that excitement was by stifling the report as the Government proposed.²³³

MR. J.A. MACDONALD was never cooler in his life.²³⁴ He was very anxious to avoid excitement, and the hon. member for Montreal had shown the same feeling. He, therefore, hoped that the postponement would be consented to. If there were so much hurry now, why was not the report brought down at an earlier period of the session. The bill might be forced through; but if it were the country would believe it was done without evidence.²³⁵ He went on at some length to urge the postponement of the bill; and concluded by saying that, although the Inspector General had spoken to him in that singular tone, he would still solicit him to agree to the motion. Besides, he remarked that he had understood that none but measures of pressing importance were to be taken up now, and this was evidently a measure which might safely be postponed until the 15th February.²³⁶

MR. INSP. GEN. HINCKS had one word to say.²³⁷ He could see Mr. McKenzie and Mr. Leblanc wanted to excite further trouble, and if the hon. members opposite wanted to settle the question in the way desired by the latter, and so take his place, let them do so in God's name²³⁸ but he would never be a party to the renewal of those scenes which had formerly been excited by this subject. The Government had taken that course which they thought best calculated to preserve peace and order, and he thought the country would sustain the Government in that view.²³⁹ Il devait y avoir eu assez de délibération et d'agitation sur le sujet, et surtout ... il fallait arrêter les spéculateurs inhumains qui achètent les réclamations des victimes à vil prix.²⁴⁰

MR. MACKENZIE continued to remark upon the report of the Commissioners, who had, he said thrown a slur upon every man who happened to have been thrown into prison in Montreal.²⁴¹

MR. SOL. GEN. CHAUVEAU said, if the hon. member read part of a sentence he ought to read the whole of it.²⁴²

MR. MACKENZIE asked what a miserable cringing soul that ministry must have, which possessed of that report for many months, now only brought it down, when nobody could read it and furnished the house only with little scraps of information.²⁴³

MR. PROV. SEC. MORIN called [the] question.²⁴⁴

MR. MACKENZIE said that if it had not been for the rebellious proceedings of the hon. member he (Mr. McKenzie) could not have been an exile. It was a poor return now that the hon. member should seek to choke him off, when he was asked to vote for the second reading of this bill. He then characterized the report as a scandalous libel. He went on to allude to the fact that \$50,000

had been spent on these commissioners, and stated that Mr. Girouard had been asked as early as 1843 to go into the government, was it fair then to punish these poor persons, who were to be now deprived of their indemnity. He would never vote for such a bill, and if there were any man poor or mean enough to sanction such a report, let them do it, he would not. And who was one of the commissioners? Mr. Simpson, of Coteau du Lac, a man notorious for his cringing to all governments, and who had got £500 for capturing Mr. Girouard.²⁴⁵

MR. BROWN moved the adjournment of the debate.²⁴⁶

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Mr. Brown moved, seconded by the Honorable Mr. Young, and the Question being put, That the Debate be adjourned; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Brown, Burnham, Dixon, Dubord, Egan, Gamble, Macdonald of KINGSTON, Mackenzie, Malloch, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, Wright of West Riding of YORK, and Young.--(18.)

NAYS.

Messieurs Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Fortier, Hartman, Hincks, Laurin, Lemieux, Marchildon, McDougall, Mongenais, Morrison, Paige, Poulin, Rolph, Attorney General Richards, Rose, Sicotte, Taché, Tessier, Varin, and White.--(26.)

So it passed in the Negative.

MR. MACKENZIE [spoke] some time longer.²⁴⁷

MR. LANGTON expressed his determination to vote against the postponement of the question because ... he disapproved as strongly as any man of the rebellion losses bill²⁴⁸ when it was under consideration in 1849; and would not consent to put it in the power of any man to renew these²⁴⁹ unfortunate²⁵⁰ scenes; he would not, therefore vote for the motion of the member opposite, nor would he by any vote of his, consent to the action of the Government.²⁵¹ The hon. member for Essex had said²⁵² that the Indemnity Act was the law of the land, but it was not; the Government had²⁵³ of their own free will allowed the law to expire²⁵⁴, and he would not now give any vote which would tend [to] revive it. He would oppose any motion for postponement which would have the effect of enabling hon. gentlemen to open up a discussion on this subject. When the bill of the Government came up he would content himself with giving a silent vote against it.²⁵⁵

(403)

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read a second time;

MR. LEBLANC moved that the second reading of the bill be postponed till after the report of the Commissioners was printed.²⁵⁶

MR. J.S. MACDONALD the SPEAKER ruled the motion to be out of order as it had already been decided on.²⁵⁷

MR. MACKENZIE made a similar motion, which was rejected on a division.²⁵⁸

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Mr. Mackenzie moved in amendment to the Question, seconded by Mr. LeBlanc, That the word "now" be left out, and the words "on Tuesday next, and the Re-

port of the Commissioners which the said Bill declares to be 'to all intents and purposes' held good and valid in Law, be printed for the use of Members, with the accompanying documents" added at the end thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Dubord, Egan, Fournier, Gouin, Hartman, Hincks, Laurin, LeBoutillier, Lemieux, Marchildon, McDougall, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Prince, Rolph, Attorney General Richards, Rose, Sicotte, Taché, Tessier, Varin, White, Wright of East Riding of YORK, and Young.--(36.)

NAYS.

Messieurs Badgley, Burnham, Dixon, Gamble, Langton, LeBlanc, Lyon, Macdonald of KINGSTON, Mackenzie, Malloch, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding of YORK.--(17.)

So it was resolved in the Affirmative.

(404)

The Bill was accordingly read a second time.

MR. PROV. SEC. MORIN rose to move that the bill be read a third time.
(No, go on.) 259

MR. J.A. MACDONALD had asked the Government to postpone the second reading until a future day. They had not chosen to accede to his request; and as there was a great deal of business yet to be disposed of before Wednesday, he thought it would be better for the Government to finish the matter at once, and not bring it up again to-morrow, and occupy another day.
(Hear, hear.) 260

(404)

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill be now read the third time, and the Rules of this House suspended as regards the same;

Mr. Mackenzie moved, seconded by Mr. LeBlanc, and the Question being put, That this House do now adjourn; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the Bill be now read the third time, and the Rules of this House suspended as regards the same;

MR. LEBLANC moved in amendment that the bill be not read a third time, but that the House go into Committee on the resolutions he had originally proposed. 261

(404)

Mr. LeBlanc moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "That" to the end of the Question be left out, in order to add the words "this House will immediately resolve itself into a Committee to take into consideration the following Resolutions:

1. That the Act 12 Vic. cap. 58, intituled, 'An Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty seven, and one thousand eight hundred and thirty eight,' has in view the indemnification of every person who has suffered losses by the total or partial, unjust,

useless, or malicious destruction of his houses, buildings, property and effects, and by the seizure, pillage, or carrying away of his property and effects, in and on the occasion of the suppression of the Rebellion, such person not having been convicted of the crime of High Treason, nor banished to the Island of Bermuda for that crime, or other offences of a like nature, as set forth more at length in the proviso to the preamble of the Act aforesaid:

2. That the Act in question having been passed with the view above mentioned, every person who has not been convicted or banished, as aforesaid, and who has suffered loss in manner aforesaid, is entitled, in pursuance of that Act, to an indemnity for his loss so occasioned, that is to say, that has not been caused by the necessary effect of his resistance to the Troops, or by some other act of participation in the Rebellion on his part, which became the immediate cause of such loss; and that no person who has not been convicted nor banished, as aforesaid, who has suffered loss in manner aforesaid, could be excluded from the benefit of such indemnity for the act of participation in the Rebellion, if such act did not by its nature cause the loss suffered by such person as a necessary and inevitable consequence:

3. That it appears by the proceedings of the Commissioners named in pursuance of the aforesaid Act, that many Claimants who proved their losses in accordance with the conditions required, in order to be indemnified, and who were neither convicted nor banished as aforesaid, have nevertheless not been admitted to the aforesaid benefit, but have been excluded therefrom; some because as alleged in the minute of their exclusion, they had taken part in the Rebellion, although such part was not in any way the immediate cause of their losses, and others, because they had been rejected by the Commissioners appointed under the Ordinance 1 Vic. cap. 7, although the aforesaid Act made no exception of Claimants so rejected by those Commissioners:

4. That it appears moreover, by the aforesaid proceedings, that the said Commissioners under the Act aforesaid, excluded several Claimants for the act of participation in the Rebellion, on proof purely exparte, and therefore null, even supposing that they might be excluded for such act; that they proceeded on different principles with different classes of Claimants, two of which were very numerous, although these various classes were subjected to the same principles in their respective categories; and that they were guilty of irregularities injurious to the Claimants:

5. That all exclusions contrary to the intention of the law are illegal,

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and in violation of the rights acquired under the aforesaid Act by the Claimants illegally excluded:

6. That this House ought, in order to prevent the completion of such violation, to amend the aforesaid Bill, so as to secure to persons unjustly excluded the rights accruing to them under the aforesaid Act:

7. That it is the more just and expedient to amend the aforesaid Bill, with the intention above expressed, that the persons illegally excluded have been so excluded without their knowledge, the proceedings of the Commissioners aforesaid having been secret until they were produced in this House, on or about the thirteenth day of this month; and also, in respect of the persons excluded by reason of their participation in the Rebellion, that such persons could not even have supposed that the aforesaid Commissioners, in rendering their decisions, had arrogated to themselves the right of convicting them of such participation and of punishing them therefor, by the deprivation of the benefit aforesaid, inasmuch as the said Act granted them no jurisdiction in that behalf, and that the general amnesty granted by the Act 12 Vic. cap. 13, prohibited the exercise of such jurisdiction:

8. That the Claimants so illegally excluded being ignorant of their exclusion, could neither appeal from the decision by certiorari nor otherwise, to cause the jurisdiction exercised by the Commissioners to be declared null and void, in case they were not a tribunal legally constituted for the exercise of such jurisdiction, or to cause their decisions to be reviewed and reversed if, being such tribunal, an appeal could be had therefrom; nor complain thereof (of their exclusion) to the Government, in order to obtain therefrom the justice which it might have done, or have caused to be done to them; and that the said Claimants having been able neither to appeal nor to complain as aforesaid, it is the duty of Parliament to amend the said Bill, with the intention above expressed:

9. That if this amendment be not made, and the Claimants illegally excluded be in consequence thereof not indemnified, together with the Claimants who are admitted, out of the monies appropriated to indemnify their losses, Parliament will be bound in justice to appropriate other monies to indemnify the said Claimants illegally excluded, to the end that they may fulfil, in their behalf, the promise contained in the Act aforesaid," instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs LeBlanc, and Mackenzie.--(2.)

NAYS.

Messieurs Badgley, Brown, Burnham, Cameron, Cartier, Chabot, Chapais, Christie of WENTWORTH, Dixon, Attorney General Drummond, Dubord, Egan, Fournier, Gamble, Gouin, Hartman, Hincks, Langton, Laurin, LeBoutillier, Lemieux, Macdonald of KINGSTON, Malloch, Marchildon, McDougall, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rolph, Rose, Seymour, Shaw, Sicotte, Stevenson, Street, Taché, Tessier, Varin, White, Wright of East Riding of YORK, Wright of West Riding of YORK, and Young.--(49.)

So it passed in the Negative.

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Then the main Question being put; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Cartier, Chabot, Chapais, Christie of WENTWORTH, Attorney General Drummond, Dubord, Egan, Fournier, Gouin, Hartman, Hincks, Laurin, LeBoutillier, Lemieux, Marchildon, McDougall, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Prince, Rolph, Attorney General Richards, Rose, Sicotte, Taché, Tessier, Varin, White, Wright of East Riding of YORK, and Young.--(35.)

NAYS.

Messieurs Badgley, Burnham, Dixon, Gamble, Langton, LeBlanc, Lyon, Macdonald of KINGSTON, Mackenzie, Malloch, Ridout, Robinson, Seymour, Shaw, Stevenson, Street, and Wright of West Riding of YORK.---(17.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

The Honorable Mr. Morin moved, seconded by the Honorable Mr. Hincks, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Cartier, Chabot, Chapais, Christie of WENTWORTH, Attorney General Drummond, Dubord, Fournier, Gouin, Hincks, Laurin, Lemieux, Marchildon, McDougall, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Prince, Attorney General Richards, Rolph, Rose, Sicotte, Taché, Tessier, Varin, White, Wright of East Riding of YORK, and Young.--(32.)

NAYS.

Messieurs Badgley, Burnham, Gamble, Langton, LeBlanc, Macdonald of KINGS-
TON, Mackenzie, Malloch, Ridout, Robinson, Shaw, and Street.--(12.)
So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Morin do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Miscellaneous Private Bills.

Ordered, That the 74th Rule of this House be suspended as regards the said Bill.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Grand Junction Railroad Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Morrison reported, That the Committee had gone through the Bill, and made an amendment thereunto.

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Ordered, That the Report be now received.

Mr. Morrison reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Bill to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Brown do carry the Bill to the Legislative Council, and desire their concurrence.

The Bill to amend the Act incorporating the Toronto and Guelph Railway Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Ridout do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich, being read;

The Honorable Mr. Cameron moved, seconded by Mr. Christie of Wentworth, and the Question being proposed, That the Bill be now read the third time;

Mr. Christie of Wentworth moved in amendment to the Question, seconded by the Honorable Mr. Cameron, That all the words after "be" to the end of the Question be left out, and the words "recommitted to a Committee of the whole House, for the purpose of leaving out the word 'Paris' wherever it occurs in the Bill" added instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Brown, Cameron, Christie of WENTWORTH, Fournier, Hincks, Mackenzie, Ridout, Rolph, Street, White, Wright of East Riding of YORK, and Young.--(12.)

NAYS.

Messieurs Badgley, Burnham, Cartier, Chapais, Gamble, Langton, Macdonald of KINGSTON, Malloch, Morin, Robinson, Attorney General Richards, Sicotte, Taché, and Varin.--(14.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to provide for the improvement and enlargement of the Harbour of Montreal, and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

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Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Act incorporating the Toronto, Simcoe, and Huron Union Railroad Company; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time To-morrow.

The Order of the day for the second reading of the Bill from the Legislative Council, intituled, "An Act to amend the Charter of the Erie and Ontario Railroad Company," being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Street do carry back the Bill to the Legislative Council, and acquaint their Honors, that this House hath passed the same without any Amendment.

The House, according to Order, resolved itself into a Committee on the Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara

Harbour and Dock Company;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Malloch,
The House adjourned.

APPENDIX: 5 NOVEMBER 1852.

[NOTICE OF MOTION RE: CURRENCY BILL.]

MR. INSP. GEN. HINCKS [donna avis que] lundi prochain [il ferait motion pour un] bill pour régler le cours des monnaies.²⁶²

[NOTICE OF ADDRESS RE: RAILROAD BETWEEN QUEBEC AND HALIFAX.]

MR. INSP. GEN. HINCKS [donna avis que] lundi prochain [il proposerait à la chambre une] série de résolutions devant servir de base à une adresse à sa majesté, demandant au gouvernement impérial une aide pour compléter la ligne de chemin [de fer] entre Québec et Halifax.²⁶³

[NOTICE OF ADDRESS RE: RIDEAU CANAL, INDIAN DEPARTMENT, AND OTHER RETURNS.]

MR. MACKENZIE [gave notice that he would move for an] Address to His Excellency, for a Statement of Receipts and Expenditure on the Rideau Canal for the year 1851; also for Gross Receipts and Expenditure of the Indian Department, and for certain other returns relative to Railways for the years 1849, 1850, and 1851.²⁶⁴

FOOTNOTES: 5 NOVEMBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 6 November 1852, QUEBEC GAZETTE, 8 November 1852, MONTREAL GAZETTE, 9 November 1852, PILOT, 9 November 1852, BRITISH COLONIST, 12 November 1852, GLOBE, 18 November 1852, HAMILTON SPECTATOR WEEKLY, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852. The debate was also reported by LA MINERVE, 9 November 1852. The following papers noted the debate in identical accounts: BRITISH COLONIST, 9 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852.
2. MORNING CHRONICLE, 6 November 1852.
3. IBID.
4. LA MINERVE, 9 November 1852.
5. MORNING CHRONICLE, 6 November 1852.
6. LA MINERVE, 9 November 1852.
7. IBID.
8. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 6 November 1852, QUEBEC GAZETTE, 8 November 1852, MONTREAL GAZETTE, 9 November 1852, PILOT, 9 November 1852, BRITISH COLONIST, 12 November 1852, GLOBE, 18 November 1852, HAMILTON SPECTATOR WEEKLY, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852. The debate was also noted by: NORTH AMERICAN WEEKLY, 11 November 1852; and LA MINERVE, 9 November 1852.
9. MORNING CHRONICLE, 6 November 1852.
10. IBID.
11. IBID.
12. GLOBE, 18 November 1852.
13. MORNING CHRONICLE, 6 November 1852.
14. GLOBE, 18 November 1852.
15. MORNING CHRONICLE, 6 November 1852.
16. GLOBE, 18 November 1852.
17. MORNING CHRONICLE, 6 November 1852.
18. GLOBE, 18 November 1852.
19. MORNING CHRONICLE, 6 November 1852.
20. GLOBE, 18 November 1852.
21. MORNING CHRONICLE, 6 November 1852.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.

40. IBID.
41. IBID.
42. GLOBE, 18 November 1852.
43. IBID.
44. The following papers reported the debate on this matter in identical accounts: LE PAYS, 10 November 1852 (which also contained a commentary), and JOURNAL DE QUEBEC, 16 November 1852 (which copied from LE PAYS). The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 8 November 1852, MONTREAL GAZETTE, 9 November 1852, QUEBEC GAZETTE, 10 November 1852, PILOT, 11 November 1852, BRITISH COLONIST, 12 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852. The debate was also reported by: GLOBE, 18, 20 November 1852; and JOURNAL DE QUEBEC, 6 November 1852 (which also contained a commentary). Commentaries appeared in: QUEBEC GAZETTE, 8 November 1852; NORTH AMERICAN WEEKLY, 25 November 1852; and LA MINERVE, 9 November 1852.

45. GLOBE, 18 November 1852.

46. IBID.

47. MORNING CHRONICLE, 8 November 1852.

48. JOURNAL DE QUEBEC, 6 November 1852.

49. IBID.

50. MORNING CHRONICLE, 8 November 1852.

51. GLOBE, 18 November 1852.

52. MORNING CHRONICLE, 8 November 1852.

53. GLOBE, 18 November 1852.

54. GLOBE, 18 November 1852. Mr. Drummond's allusion is to the following article in the JOURNAL DE QUEBEC, 4 November 1852: "Les choses admirables se succèdent presque sans interruption dans l'enceinte législative.

"En absence de M. Polette, M. Badgley voulut soumettre à un comité général, des résolutions devant servir de base à un bill pour taxer les habitants de Trois-Rivières, à leur propre demande, pour la construction d'une cathédrale.

"M. Brown s'y opposa tout naturellement....

"Mais le plus admirable, c'est la fuite de M. Hincks, qui, réfléchissant à l'effet désastreux de son vote du même jour ... mais ne pouvant donner le coup de pied à ses chers clear-grits, trouva qu'il était habile de s'échapper par la tangente.

"Il revint un instant après, tout étonné, mais disant qu'il ne pouvait voter, parce qu'il était absent quand la question avait été soumise à la chambre par l'orateur.

"Quelle honte, quelle dégradation! un premier ministre ayant recours à de pareils expédients!"

55. LE PAYS, 10 November 1852. Mr. Drummond's allusion is to the following article in the JOURNAL DE QUEBEC, 4 November 1852: "Hier soir, la chambre était encore témoin d'un singulier spectacle.

"M. Young demandait la deuxième lecture du projet de loi pour incorporer le collège de Sainte-Marie de Montréal.

"Pendant la discussion, M. Rolph sortit de la chambre.

"Ce que voyant, plusieurs membres, pour le seul plaisir d'avoir un spectacle, crièrent: 'Appelez les membres.'

"Force donc fut à M. Rolph de revenir prendre son siège, et il alla s'asseoir derrière la colonne qui lui servit presque d'un écran parfait.

"Il parassait profondément engagé dans une conversation intéressante avec sir Allan MacNab, quand quelqu'un cria: 'le député de Norfolk n'a pas voté.'

"M. Rolph, appelé de tous côtés, se lève mystérieusement aux éclats de rires universels, et demande à l'orateur ce dont il s'agit.

"On lui répond de même que si sa question eût été sérieuse, qu'il s'agit du bill pour l'incorporation du collège de Sainte-Marie, et qu'il lui faut voter pour ou contre le bill.

"Après bien des hésitations, il vota, mais il parla si bas que personne ne l'entendit.

"Le greffier lit les noms des votants et parmi les adversaires de la mesure sont en première ligne, le premier ministre du Canada, se courbant ignoblement sous le joug du clear-gritisme, et MM. Rolph et Cameron, les deux fidèles amis des institutions du Bas-Canada, ainsi que nous l'assurait, il n'y a pas longtemps encore, 'l'organe' du gouvernement dans Québec. Les autres clear-grits imitèrent ce noble et réconfortant exemple.

"Avions-nous raison quand nous disions que le clear-gritisme haïssait nos institutions et en convoitait la ruine?

"Avions-nous raison quand nous disions que la nouvelle alliance était monstrueuse, puisque même le premier ministre fléchit le genou devant le principe odieux que nous combattons comme l'ennemi acharné de tout ce qui est canadien et de tout ce qui est catholique?

"Pas un seul des conservateurs n'a voté contre le bill de M. Young!!!"

56. GLOBE, 18 November 1852.

57. IBID.

58. MORNING CHRONICLE, 8 November 1852.

59. GLOBE, 18 November 1852.

60. MORNING CHRONICLE, 8 November 1852.

61. JOURNAL DE QUEBEC, 6 November 1852.

62. MORNING CHRONICLE, 8 November 1852.

63. JOURNAL DE QUEBEC, 6 November 1852.

64. MORNING CHRONICLE, 8 November 1852.

65. GLOBE, 18 November 1852.

66. MORNING CHRONICLE, 8 November 1852.

67. JOURNAL DE QUEBEC, 6 November 1852.

68. MORNING CHRONICLE, 8 November 1852.

69. GLOBE, 18 November 1852.

70. JOURNAL DE QUEBEC, 6 November 1852.

71. MORNING CHRONICLE, 8 November 1852.

72. GLOBE, 18 November 1852.

73. MORNING CHRONICLE, 8 November 1852.

74. GLOBE, 18 November 1852.

75. GLOBE, 18 November 1852, which noted that "Mr. Hincks ... entered the House while the member for Montmorenci was speaking."

76. MORNING CHRONICLE, 8 November 1852.

77. GLOBE, 18 November 1852.

78. MORNING CHRONICLE, 8 November 1852.

79. GLOBE, 18 November 1852.

80. LE PAYS, 10 November 1852.

81. GLOBE, 18 November 1852.

82. LE PAYS, 10 November 1852.

83. JOURNAL DE QUEBEC, 6 November 1852.

84. LE PAYS, 10 November 1852.

85. GLOBE, 18 November 1852.

86. MORNING CHRONICLE, 8 November 1852.

87. LE PAYS, 10 November 1852.

88. GLOBE, 18 November 1852.

89. MORNING CHRONICLE, 8 November 1852.

90. GLOBE, 18 November 1852.

91. MORNING CHRONICLE, 8 November 1852.
92. GLOBE, 18 November 1852.
93. MORNING CHRONICLE, 8 November 1852.
94. JOURNAL DE QUEBEC, 6 November 1852.
95. LE PAYS, 10 November 1852.
96. JOURNAL DE QUEBEC, 6 November 1852.
97. IBID.
98. LE PAYS, 10 November 1852.
99. JOURNAL DE QUEBEC, 6 November 1852.
100. MORNING CHRONICLE, 8 November 1852.
101. LE PAYS, 10 November 1852.
102. MORNING CHRONICLE, 8 November 1852.
103. LE PAYS, 10 November 1852.
104. MORNING CHRONICLE, 8 November 1852.
105. GLOBE, 18 November 1852.
106. MORNING CHRONICLE, 8 November 1852.
107. JOURNAL DE QUEBEC, 6 November 1852.
108. GLOBE, 18 November 1852.
109. JOURNAL DE QUEBEC, 6 November 1852.
110. IBID.
111. GLOBE, 20 November 1852.
112. MORNING CHRONICLE, 8 November 1852.
113. GLOBE, 20 November 1852.
114. MORNING CHRONICLE, 8 November 1852.
115. IBID.
116. IBID.
117. GLOBE, 20 November 1852.
118. IBID.
119. IBID.
120. IBID.
121. IBID.
122. IBID.
123. IBID.
124. IBID.
125. IBID.
126. GLOBE, 20 November 1852. The ellipses represent illegible words.
127. GLOBE, 20 November 1852.
128. IBID.
129. MORNING CHRONICLE, 8 November 1852.
130. LE PAYS, 10 November 1852.
131. MORNING CHRONICLE, 8 November 1852.
132. GLOBE, 20 November 1852.
133. MORNING CHRONICLE, 8 November 1852.
134. GLOBE, 20 November 1852.
135. IBID.
136. IBID.
137. MORNING CHRONICLE, 8 November 1852.
138. GLOBE, 20 November 1852.
139. IBID.
140. IBID.
141. GLOBE, 20 November 1852. The ellipses represent illegible words.
142. GLOBE, 20 November 1852.
143. IBID.
144. IBID.
145. IBID.
146. MORNING CHRONICLE, 8 November 1852.

147. GLOBE, 20 November 1852.
148. MORNING CHRONICLE, 8 November 1852.
149. GLOBE, 20 November 1852.
150. MORNING CHRONICLE, 8 November 1852.
151. GLOBE, 20 November 1852.
152. MORNING CHRONICLE, 8 November 1852.
153. GLOBE, 20 November 1852.
154. MORNING CHRONICLE, 8 November 1852.
155. JOURNAL DE QUEBEC, 6 November 1852.
156. MORNING CHRONICLE, 8 November 1852.
157. GLOBE, 20 November 1852.
158. MORNING CHRONICLE, 8 November 1852.
159. JOURNAL DE QUEBEC, 6 November 1852.
160. MORNING CHRONICLE, 8 November 1852.
161. JOURNAL DE QUEBEC, 6 November 1852.
162. MORNING CHRONICLE, 8 November 1852.
163. GLOBE, 20 November 1852.
164. IBID.
165. IBID.
166. IBID.
167. IBID.
168. IBID.
169. IBID.
170. IBID.
171. MORNING CHRONICLE, 8 November 1852.
172. GLOBE, 20 November 1852.
173. MORNING CHRONICLE, 8 November 1852.
174. GLOBE, 20 November 1852.
175. IBID.
176. IBID.
177. IBID.
178. The following papers reported the debate on this matter in identical accounts: BRITISH WHIG, 8 November 1852, MONTREAL GAZETTE, 8 November 1852, BRITISH COLONIST, 9 November 1852, EXAMINER, 10 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, and NORTH AMERICAN WEEKLY, 11 November 1852. The following papers reported the debate in partially identical accounts: MORNING CHRONICLE, 8 November 1852, MONTREAL GAZETTE, 9 November 1852, QUEBEC GAZETTE, 10 November 1852, PILOT, 11 November 1852, BRITISH COLONIST, 12 November 1852, BRITISH WHIG, 17 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852. The debate was also reported by: GLOBE, 20 November 1852; and LA MINERVE, 9 November 1852.
179. MORNING CHRONICLE, 8 November 1852.
180. GLOBE, 20 November 1852.
181. MORNING CHRONICLE, 8 November 1852.
182. GLOBE, 20 November 1852.
183. MORNING CHRONICLE, 8 November 1852.
184. GLOBE, 20 November 1852.
185. MORNING CHRONICLE, 8 November 1852.
186. GLOBE, 20 November 1852.
187. MORNING CHRONICLE, 8 November 1852.
188. IBID.
189. GLOBE, 20 November 1852.
190. IBID.
191. MORNING CHRONICLE, 8 November 1852.
192. GLOBE, 20 November 1852.

193. MORNING CHRONICLE, 8 November 1852.
194. GLOBE, 20 November 1852.
195. IBID.
196. MORNING CHRONICLE, 8 November 1852.
197. GLOBE, 20 November 1852.
198. MORNING CHRONICLE, 8 November 1852.
199. GLOBE, 20 November 1852.
200. MORNING CHRONICLE, 8 November 1852.
201. IBID.
202. IBID.
203. GLOBE, 20 November 1852.
204. MORNING CHRONICLE, 8 November 1852.
205. GLOBE, 20 November 1852.
206. IBID.
207. MORNING CHRONICLE, 8 November 1852.
208. LA MINERVE, 9 November 1852.
209. MORNING CHRONICLE, 8 November 1852.
210. GLOBE, 20 November 1852.
211. MORNING CHRONICLE, 8 November 1852.
212. GLOBE, 20 November 1852.
213. MORNING CHRONICLE, 8 November 1852.
214. GLOBE, 20 November 1852.
215. MORNING CHRONICLE, 8 November 1852.
216. GLOBE, 20 November 1852.
217. IBID.
218. IBID.
219. IBID.
220. MORNING CHRONICLE, 8 November 1852.
221. GLOBE, 20 November 1852.
222. MORNING CHRONICLE, 8 November 1852.
223. GLOBE, 20 November 1852.
224. IBID.
225. IBID.
226. IBID.
227. IBID.
228. IBID.
229. GLOBE, 20 November 1852. The ellipsis represents illegible words.
230. MORNING CHRONICLE, 8 November 1852.
231. LA MINERVE, 9 November 1852.
232. MORNING CHRONICLE, 8 November 1852.
233. GLOBE, 20 November 1852.
234. IBID.
235. MORNING CHRONICLE, 8 November 1852.
236. GLOBE, 20 November 1852.
237. IBID.
238. MORNING CHRONICLE, 8 November 1852.
239. GLOBE, 20 November 1852.
240. LA MINERVE, 9 November 1852.
241. MORNING CHRONICLE, 8 November 1852.
242. IBID.
243. IBID.
244. IBID.
245. IBID.
246. GLOBE, 20 November 1852, which noted that Mr. Mackenzie gave way to the motion for adjournment "after numerous interruptions." MORNING CHRONICLE, 8 November 1852, noted that the motion was made "at half past 12 o'clock."

- 247. MORNING CHRONICLE, 8 November 1852.
- 248. IBID.
- 249. GLOBE, 20 November 1852.
- 250. MORNING CHRONICLE, 8 November 1852.
- 251. GLOBE, 20 November 1852.
- 252. MORNING CHRONICLE, 8 November 1852.
- 253. GLOBE, 20 November 1852.
- 254. MORNING CHRONICLE, 8 November 1852.
- 255. GLOBE, 20 November 1852.
- 256. IBID.
- 257. IBID.
- 258. IBID.
- 259. IBID.
- 260. IBID.
- 261. IBID.
- 262. LE PAYS, 10 November 1852.
- 263. IBID.
- 264. HAMILTON SPECTATOR WEEKLY, 25 November 1852.

SATURDAY, 6 NOVEMBER 1852.

MORNING SITTING.¹

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Attorney General Richards,--The Petition of the Peterborough and Port Hope Railway Company.

By the Honorable Mr. Macdonald,--The Petition of Mrs. Margaret Machar,

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President, and others, the "Widows and Orphans' Friend Association" of the City of Kingston.

By Mr. Stuart,--The Petition of the Council of the Quebec Board of Trade.

By Mr. Fortier,--The Petition of Joseph J.R. Lecomte, Esquire, of the Village and Parish of Nicolet.

By the Honorable Mr. Chabot,--The Petition of Benoit Marcoux, of Quebec, Joiner.

By Mr. Fournier,--The Petition of O.E. Casgrain, Esquire, and others, of the County of L'Islet.

Pursuant to the Order of the day, the following Petitions were read:--

Of William Walsh and others, inmates of the Toronto Gaol; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating Liquors.

Of Messieurs Daniel MacNab and Company, and others, of the City of Hamilton; of James Wylie and others, of the Township of Ramsay; and of the Reverend David Dunkerley and others, of Durham, County of Drummond; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the St. Lawrence Canals.

Of J.B. Plamondon and others, of the Parish of St. Hyacinthe; praying that the Petition for certain alterations in the limits of the Town of St. Hyacinthe may not be granted.

Of Henry Boyd, of the Town of London; praying for a pension in consideration of the injury he received while in the discharge of his duty as a Constable in the said Town, by being beaten by a party of Private Soldiers of the 20th Regiment, in the year 1849.

Of the Council of the Quebec Board of Trade; praying that the Bill to further amend the Act for regulating the shipping of Seamen at the Port of Quebec may not pass into Law.

On motion of Mr. Stuart, seconded by Mr. Patrick,

Resolved, That the time for receiving Petitions for Private Bills, and Private Bills, be extended to the end of the Session.

Ordered, That the Bill to explain the Act, intituled, "An Act to authorize François Verrault, Esquire, to build a Toll Bridge over the River Etchemin, in the Parish of St. Henry, near the Church in the said Parish, in the County of Dorchester," be now read the third time.

The Bill was accordingly read the third time.

Mr. Stuart moved, seconded by Mr. Patrick, and the Question being proposed, That the Bill do pass;

Mr. Lemieux moved in amendment to the Question, seconded by the Honorable Mr. Chabot, That all the words after "Bill" be left out, and the words "be committed to a Committee of the whole House, for the fifteenth of February next, with a view of inserting a Clause to regulate the Tolls thereon" added instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Cameron, Chabot, Chapais, Fortier, Fournier, Gouin, Jobin, Johnson, LeBlanc, Lemieux, Lyon, Marchildon, Merritt, Mongenais, Morrison, Poulin, Attorney General Richards, Rolph, Shaw, Sicotte, Taché,

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Tessier, Viger, White, Wright of East Riding of YORK, and Young.--(28.)

NAYS.

Messieurs Burnham, Christie of GASPE, Clapham, Crawford, Dixon, Attorney General Drummond, Dubord, Egan, Gamble, Langton, LaTerrière, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Malloch, McDougall, Morin, Patrick, Ridout, Robinson, Seymour, Stevenson, Street, Stuart, Willson, and Wright of West Riding of YORK.--(26.)

So it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be committed to a Committee of the whole House, for the fifteenth of February next, with a view of inserting a Clause to regulate the Tolls thereon.

Ordered, That the Honorable Mr. Cameron have leave to bring in a Bill to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth, and Bruce, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fourteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal, and have agreed to report the same without any amendment.

Ordered, That the Bill to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal, be read the third time on Monday next.

Ordered, That Mr. Tessier have leave to bring in a Bill to amend the Act of the 14 & 15 Vic. cap. 4, intituled, "An Act to amend the Act concerning Land Surveyors."

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Mr. Tessier moved, seconded by Mr. Gouin, and the Question being put, That the Bill be read a second time on the fifteenth of February next;

Mr. Fournier moved in amendment to the Question, seconded by Mr. Marchildon, That the words "on the fifteenth of February next" be left out, in order to add the words "this day six months" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be read a second time on the fifteenth of February next.

Ordered, That so much of the Return relative to Judges ad hoc, which was presented on Wednesday last, and recommended by the Fifth Report of the Standing Committee on Printing to be printed, be printed for the use of the Members of this House.

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Mr. Lemieux, from the Standing Committee on Standing Orders, presented to the House the Twentieth Report of the said Committee; which was read, as follows:--

Your Committee have examined the Petition of the President and Directors of the Grand River Navigation Company, praying that the said undertaking may be assumed by the Government as a Provincial work, which was yesterday referred to them, and they do not consider it as one coming under the provisions of the 64th Rule, it being a matter of arrangement between the Government and the Company alone.

Your Committee would beg leave to state that many Petitions for Private and Local Bills have been presented to Your Honorable House, which they have been unable to report upon on account of informality, to a greater or less extent, in the Notices given. A very great misapprehension appears to exist among Petitioners as to the nature of the Notices required by the Rules of Your Honorable House, arising, without doubt, from the fact that the Rules relating to Private Bills have not been made known to the public to a sufficient extent. To remedy this, so far as the Petitions now before Your Honorable House are concerned, Your Committee have directed their Clerk to publish in some of the leading Newspapers of the Province, in a condensed form, so much of the regulations concerning Private Bills as will afford the necessary information to the public, so that the Parties interested in these Petitions may have the proper Notices given, to enable them to proceed with the same on the resumption of business by Your Honorable House in February next.

Your Committee, considering that the Rules in question have been adopted for the purpose of protecting the rights and interests of all parties, who might be affected by Private Bills coming from time to time before Your Honorable House, are of opinion that a full compliance with them should, as a general rule, be insisted upon: to this end it is manifestly necessary that all requisite publicity should be given to them, and Your Committee would respectfully recommend that such portion of the Rules as may afford the necessary information be published, in the leading papers of the Province, for a sufficient length of time after each Session.

Your Committee, in conclusion, would respectfully suggest, in view of the intended adjournment, that as many new cases may arise before the meeting of Your Honorable House in February, it would be desirable to admit of the reception of Private Petitions and Bills as at the commencement of a Session, under a proper limitation as to time.

Ordered, That the said Report be committed to a Committee of the whole House, for Monday next.

Ordered, That Mr. Christie of Wentworth have leave to bring in a Bill to enable the Directors of the Grand River Navigation Company to place the said Navigation under the control and management of the Provincial Government, under certain conditions.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to provide for the final adjustment of Boundaries.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to amend the Law for the sale and settlement of the Public Lands.

He accordingly presented the said Bill to the House, and the same was re-

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ceived and read for the first time; and ordered to be read a second time on the fifteenth of February next.

MR. COM. CR. LANDS ROLPH moved for leave to bring in a bill for the better management of the Lunatic Asylum. With the concurrence of members opposite, he would move for the second reading on Monday. He would have no objection to postpone it until the 15th February, but every day almost brings such evidence of increasing antagonism, that he thought a measure of reform should not be delayed.²

MESSRS. GAMBLE and BOULTON objected to the passage of the bill before the recess, as it was one of the most important measures which could be brought under the consideration of Parliament.³

MR. COM. CR. LANDS ROLPH would not press the second reading contrary to the wish of the House.⁴

Leave was granted.⁵

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Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill for the better management of the Lunatic Asylum.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to amend the Law for the better protection of Crown Timber, and for the collection of the Dues thereon.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to confirm a certain allowance for Road in the Township of Monaghan, and to provide for the compensation of persons suffering loss by the confirmation of such allowance.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to amend the Law with respect to the solemnization and registration of Matrimony.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to establish the boundary of lots in the West Gore of the Township of Beverley.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Rolph have leave to bring in a Bill to confirm certain Titles in the Township of Aldborough, and rectify difficulties which have arisen from an erroneous survey.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

The Serjeant-at-Arms attending this House, informed the House, That he had been unable to comply with the Order of the House, of yesterday, for taking into his custody Louis Lacoste, Esquire, in consequence of his absence from this City.

Mr. Cartier, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Eighth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to amend the Act incorporating the Bytown and Prescott Railway Company, referred to them, and have agreed to report the same with amendments, which they humbly submit for the consideration of Your Honorable House.

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Ordered, That the Bill to amend the Act incorporating the Bytown and Prescott Railway Company, as reported from the Standing Committee on Railroads, Canals, and Telegraph Lines, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Morrison reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Morrison reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be read the third time on Monday next.

Ordered, That the Honorable Mr. Morin have leave to bring in a Bill to make better provision touching the expense of maintaining Patients in the Lunatic Asylum in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Return relative to the Marriage License Fund in Lower Canada, which was presented on the fourteenth of September last, be printed for the use of the Members of this House.

The Order of the day for the second reading of the Bill to vest in the Corporation of the City of Hamilton the "Gore" of King Street, for public purposes, being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for resuming the further consideration of the allegations contained in the Petition of Joseph Cauchon, Esquire, Member for the County of Montmorency, against Louis Célestin Lefrançois, Esquire, Registrar, and Returning Officer at the late Election for the said County, for the examination of Witnesses, and the hearing of Counsel at the Bar of this House, on the part of Mr. Lefrançois, being read;

Ordered, That the said Order of the day be postponed till the fifteenth of February next.

A Bill to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate

themselves by the name of the Quebec Benevolent Society, under certain restrictions, rules and regulations therein mentioned," was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Lemieux do carry the Bill to the Legislative Council, and desire their concurrence.

EVENING SITTING.⁶

A Bill to provide for the incorporation of a Company to construct a Rail-

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way from opposite Quebec to Trois Pistoles, and for the extension of such Railway to the Eastern frontier of this Province, was, according to Order, read the third time.

The Honorable Mr. Chabot moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being put, That the Bill do pass: the House divided: and the names being called for, they were taken down, as follows:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Egan, Fergusson, Fournier, Gamble, Gouin, Hartman, Johnson, La-Terrière, Laurin, LeBlanc, LeBoutillier, Macdonald of KINGSTON, Sir A.N. MacNab, McDougall, Mongenais, Morin, Morrison, Patrick, Poulin, Ridout, Attorney General Richards, Rose, Shaw, Sicotte, Stuart, Taché, Tessier, Viger, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(43.)

NAYS.

Messieurs Boulton, Brown, Mackenzie, Malloch, Marchildon, Seymour, Stevenson, White, and Young.--(9.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the third reading of the Bill to empower the several Railway Companies whose Railways form part of the main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies, being read;

MR. INSP. GEN. HINCKS moved the third reading of the bill to empower Railway Companies on the Main Trunk Line to unite.⁷

MR. BOULTON thought that the bill ought to be advertised, as it affected the railway interests throughout the Province. It went to encourage monopolies, and if adopted might prove extensively injurious to the country, as it would be throwing railways into the hands of a few companies. There never was such a bill, he said, passed anywhere before, and he was satisfied it should be held over till [the] House met after the adjournment. It was for the Speaker to decide whether the bill was not of a description of which notice should be given. He considered it the finishing stroke of an enormous job.⁸

MR. PRES. EX. COUN. CAMERON said the word job had not been mentioned for a week during which the member for Toronto had been absent. Under this bill Companies might unite or not, as they thought proper; and it did no more than other Acts did.⁹

MR. BROWN said the President of the Council did not view the matter in a

proper light; who ever heard of Railway companies uniting?--or what Legislature, without due and special reason given, would consent to their uniting? The direct effect would be to create a great monopoly,--to throw the whole business of the country under one control. It was all very well to say that no injurious monopoly could be maintained; that if the Trunk Railway people charged too high, or used their power improperly, rival lines would be established. Hon. gentlemen knew well, that for a great many years only one Trunk road could be sustained, and it was not expedient to entrust its control to one set of men. There was no monopoly in the steamboat traffic of Lake Ontario--but there being no room for opposing lines on any of the routes, without ruin to one of the contestants, parties did not venture to make the trial--and thus the fare from Kingston to Toronto had been maintained at \$4, though the distance was only 170 miles, and from Toronto to Hamilton, it was 11 dollars, and the route but 46 miles. And just so it would be with the Trunk Railway. Were the five or six great Canadian railroad companies united, they would constitute a power in the State most dangerous to our commercial as well as political welfare. Who could estimate the influence of the directors of fifteen hundred miles of railroad, in such a country as this? The immense number of servants in their employment, the mechanics manufacturing for them, the circulation of bank paper, and all the ramifications of their transactions would give an influence in every walk of life, which could hardly be overestimated. It would be time enough to pass such a bill when it was asked for, and good cause shown; to anticipate the demand,--to aid in creating the demand, was worse than folly. The House had done quite enough in that way for one session. They had passed a bill to give six millions of public money to nominal stockholders, to expend on a road at prices double the estimated value of the work. They had passed a bill for a railway to Trois Pistoles, for the benefit of anybody who might choose to take hold of it. He hoped this worse folly would not be added to the list.¹⁰

MR. GAMBLE said the bill would enable one monster company to buy up other lines. He agreed with the gentleman who had spoken last. He was opposed to trusting people who are strangers to the country, and whose object was to benefit themselves, while the interests of the Province would be neglected. One great object of establishing railways is to cheapen travelling. This could not be effected by the proposed measure, as it would do away with competing lines.¹¹

MR. INSP. GEN. HINCKS admitted there was some force in the allusion to competing lines; but the bill had reference to one great line of railway. In England and the United States, he said, it had always been the policy to have long sections embraced in one line. He was desirous of taking that course which would benefit the country. The fact is, the railroads in this Province would have to compete with other lines; and the object was to place the main line under one management; and if that could be brought about, it would be a fortunate circumstance. In the United States the lines from one end of the country to the other are under one management; and he knew that great difficulties had arisen from conflicting interests. He did not see what objections there could be, provided the measure could be brought about. From explanations that had been made, the having distinct lines was one of the reasons why Mr. Galt, who was connected with the Atlantic and St. Lawrence line, took so much interest in, and was desirous of having the line westward from Montreal under the control of that Company. No interests, he said, could be injured by the bill, and one great line would be established, which would compete with foreign countries; and if the lines were all united, it would operate to the benefit of the public.¹²

SIR A. MACNAB said, if he understood the bill correctly, it applied to the Main Trunk Line, and he saw by the third clause that no agreement could be final, except it were confirmed by a meeting of two thirds. He thought companies had the power of uniting at present; as all the shareholders could sell out. He considered it would be a great advantage, however, if the entire Main Trunk Line were under one control.¹³

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The Honorable Mr. Chabot moved, seconded by the Honorable Mr. Cameron, and the Question being put, That the Bill be now read the third time; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Burnham, Cameron, Cartier, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Attorney General Drummond, Egan, Fergusson, Fournier, Gouin, Hartman, Hincks, Johnson, La-Terrière, Laurin, LeBoutillier, Lemieux, Sir A.N. MacNab, Malloch, McDougall, Mongenais, Morin, Morrison, Paige, Patrick, Poulin, Prince, Attorney General Richards, Ridout, Robinson, Rose, Seymour, Shaw, Sicotte, Street, Stuart, Taché, Tessier, Varin, Viger, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(49.)

NAYS.

Messieurs Boulton, Brown, Gamble, Macdonald of KINGSTON, Mackenzie, and Marchildon.--(6.)

So it was resolved in the Affirmative.

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The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to empower any Railway Company whose Railway forms part of the main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies."

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

A Bill to incorporate the Grand Junction Railroad Company, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Langton do carry the Bill to the Legislative Council, and desire their concurrence.

MR. MORRISON¹⁴ moved the third reading of the bill to amend the Toronto, Simcoe, and Huron Railroad Union Act.¹⁵

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A Bill to amend the Act incorporating the Toronto, Simcoe, and Huron Union Railroad Company, was, according to Order, read the third time.

COL. PRINCE said he was requested to move an amendment to the bill, the object of which was to render certain bonds preferential, given by the Directors of the Company to Mr. Capreol, for services rendered and monies expended in getting the line in operation.¹⁶

MR. RIDOUT went into a detail of the exertions of Mr. Capreol, and said he had introduced a similar amendment on a former day; but in consequence of the reception which it met with in the House, he had declined renewing the attempt. He considered that the city of Toronto had been greatly benefitted by the exertions of that gentleman, owing to which it had advanced as far as

it had done; and he had, with the aid of his friends in England, made considerable advances, in consideration of which the Company had given him bonds to the amount of £11,000, which he (Mr. C.) said, it was intended should be preferential; and which, owing to his situation, he must part with.¹⁷

MR. BOULTON admitted that Mr. Capreol had been of service to the railroad; but said, when they were about to legislate, they must disregard the claims of private friendship, and do so for the benefit of the country. He was aware that Mr. Capreol had a large amount of bonds, which he wished to render preferential, but how did the House know that other individuals did not possess bonds that were issued before those he had obtained. That gentleman, he said, had refused to part with these bonds at twenty per cent. discount. He believed the people of Toronto felt deeply indebted to Mr. Capreol; but a part of his scheme was the establishing [of] a lottery; and had that succeeded, Mr. C. would have made his fortune.¹⁸

MR. INSP. GEN. HINCKS said, although it was not often that he could concur with the member for Toronto, yet he thought that gentleman took a decidedly correct view of the question. He had taken a good deal of pains to investigate the subject, because the first application was that the bonds should have a preference over the Government securities. It was perfectly clear that the Company wished to liquidate the bonds as soon as possible, as Mr. Capreol is one of those persons whom it is best to get rid of as soon as practicable. He considered the Directors had acted in the most literal manner; for his scheme had been a failure, and the lottery was a delusion; but the expenses he incurred had to be defrayed. Taking everything into consideration, he said, the Directors gave bonds on which the interest was regularly paid, and they would be glad to pay them off as soon as they could.¹⁹

MR. MORRISON said Mr. Capreol had never made such an application to the Company; and he had never heard of the clause till it came before the House. The bonds had been given for the sum which had been stated, and had the Company been in possession of funds, they would not have paid more than £5,000. He himself had offered eighty per cent. for the bonds in cash, which Mr. Capreol had refused; and he could not for the life of him understand what the gentleman wanted.²⁰

COL. PRINCE said, after the explanations that had been made he should withdraw the motion; which he accordingly did; and the bill passed as it was before the house.²¹

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Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act incorporating the Ontario, Simcoe, and Huron Railroad Union Company."

Subsequently²², MR. ROBINSON said as he was probably the only member in the House who had ever been at the localities mentioned by the hon. member for Haldimand²³ and feeling a great interest in a work so intimately connected with the advancement of the county of Simcoe he would make a few remarks in reply to that gentleman. The hon. member complained that the place for the terminus on Lake Huron was not fixed by the Bill and that in his opinion Nottawasaga was the place. Now he (Mr. R.) was glad the terminus had not been fixed by the Bill. The determining [of] the Natural terminus was the most difficult and important duty the directors had yet to perform and he would strongly urge on them and the hon. member opposite--the Vice President (Mr. Morrison) the necessity of not only employing the best Civil Engineers but also experienced Scientific men to examine Nottawasaga and other places spoken of before coming to a decision. He (Mr. R.) knew that Bay well, and also Penetanguessine Bay, Mundy's Bay, Sturgeon Bay, and others in their vicinity--

some of them not requiring any expenditure to secure a good harbour, others a very large one, it would therefore be for the Directors to consider the merits of the different places and the expense required to make Nottawasaga or any other, a perfect and safe harbour, and if the expense were great it would be for them to consider whether it would not be better to spend the money in extending the road to a harbour made to their hands, and thus also benefit a large extent of country. There was one clause in the Bill which he (Mr. R.) should have noticed and probably opposed, but it was too late now. The county Simcoe had by a bye-law granted aid to the road to the amount of £5,000, a sum larger than he (Mr. R.) thought should have been asked of them, particularly when it was a fact that the county York, the most popular and wealthy county in the province through which it passes had not granted any aid whatever, and also from the fact that the road did not run as nearly through the centre of the county of Simcoe as the general interests of the country demanded. The Bye Law was said, to be informal if not illegal, and steps had been taken to ascertain the validity of it. One clause in the Bill before the House went to render the doubtful Bye Law legal and had not the bonds all been issued according to agreement with the contractors, he (Mr. R.) would have objected to that clause. But it was now too late the liability had been incurred, the Bonds for the full amount had been issued, and he (Mr. R.) felt satisfied, he should not truly represent the people of Simcoe if he was to make that county the first to repudiate its engagements. The debt had been placed on them by their own representatives in the county Council, but he (Mr. R.) thought with rather less consideration than its large amount required.²⁴

MR. INSP. GEN. HINCKS ... explained the action of the Government with reference to the railroad, in consequence of reports and statements which had reached the Government. Mr. Keefer had subsequently been despatched to examine the road, and report as to its efficiency, and the Government had directed his suggestions to be complied with. The equipment was manifestly very deficient for a road leading into the city of Toronto, and there was no provision for the construction of a harbour at the northern terminus, if that were found necessary. Under the circumstances, the Government did not feel at liberty to recommend the grant of the Provincial guarantee, as the contract did not provide for making an efficient equipment. That was the position of affairs at present. The engineer of the Company recommended that the contractors should be called on to make several alterations, and repairs for the purpose of remedying [sic] the evil pointed out by the Railroad Commissioners; and if the Company put the road in such a position as to warrant the grant of the Provincial guarantee, its amount would not exceed £3,000 a mile, which would not, however, be near one-half the cost of the road.²⁵

MR. ROBINSON was much pleased to hear the statement made by the Hon. Inspector General²⁶ that the Railroad Commissioners were determined to insist upon the line being rendered efficient before giving the Provincial guarantee.²⁷ He wished to ask him one single question, and having spoken already would not detain the house long; did the hon. Inspector Gen. say distinctly that the government would not give the aid promised (£3000 stg. per mile or thereabouts) until a new contract were [sic] entered into, binding the contractors to furnish a sufficient equipment and Station Houses.²⁸

MR. INSP. GEN. HINCKS.--Yes, certainly--they are to furnish sufficient equipment, station houses and harbour at [the] northern terminus.²⁹

MR. ROBINSON was glad to hear it, and only hoped that as the government had the best security in the world in their own hands--the money--they would

see the agreement faithfully carried out.³⁰

MR. GAMBLE thought that the people of the County of Simcoe had been very badly treated in the location of the road. He understood from the report of Mr. Keefer, that the best line had not been chosen; and although he heard a great deal about the terminus at Nottawasaga Bay, he doubted very much whether a harbour could be constructed there, for he had been informed by persons who have navigated those waters that when the wind blows from a certain quarter there are breakers to the distance of three miles from shore.³¹

MR. INSP. GEN. HINCKS would say one word in explanation. The impression on his mind was that Mr. Keefer did not object to the general location of the road, but rather to the manner of laying it out. He conceived that the contractors had in some cases taken care of their own interests without much regard to the interests of the Company, that they frequently made unnecessary curves in order to avoid heavy cuttings. The Government may have consented to the location of the road too hurriedly; but they did not believe that any public interest was at stake, and did not order a survey by their own Engineers to be made.³²

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Ordered, That Mr. Boulton do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to incorporate the Trustees of the Hamilton Orphan Asylum;³³

MR. BROWN objected to that clause of the bill which authorized the Corporation to hold landed property of the annual value of £1,500.³⁴ [He] objected to the principle of allowing any of these societies to hold large quantities of land.³⁵

SIR A. MACNAB could not understand why the hon. member objected to this bill. The necessity for it was pressing. There are more orphan children in Hamilton than in any other city in the Province, and now there are absolutely no means of supporting them. The hon. gentleman was so much afraid of everything ecclesiastical, that he would not allow a member to bring in a measure of this kind without offering opposition. He would ask the hon. gentleman for God's sake to go his way to Heaven, and let other people take theirs.³⁶

MR. BROWN said it was perfectly ridiculous to allow this institution to hold real estate to the extent of £1,500. If it wanted to hold property, let it hold stocks, or personal property. He had another objection also to the measure; he was opposed to the gathering together of children in these institutions. It was a most injurious practice, whether applied to children or to adults. It had been shown to be much better to send the children out to the country, instead of congregating them together in these buildings.³⁷

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Crawford reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Crawford reported the Bill accordingly; and the amendments were read.

Sir Allan N. MacNab moved, seconded by Mr. Crawford, and the Question being proposed, That the amendments be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Christie of Wentworth, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the

whole House, for the purpose of adding the words 'Provided always, that the real estate held by the said Corporation shall be for the use and occupation only of the said Corporation, and not for endowment' at the end of the second Clause;"

MR. BROWN ... did not wish to pursue anything like a factious course, or to stop legislation; he had not done so on any occasion, but he must adhere to his principles. He had no objection to this institution; no person could be more favourably disposed to charitable institutions, but they ought to be conducted on right principles; and ... he was opposed to their establishment without proper precautions.³⁸ He said that it was time this system of incorporation should be carefully sifted, and some general and public policy arrived at to regulate [*sic*] the whole of these corporations. He therefore, thought the bill should be postponed, though he by no means disapproved of the institution itself.³⁹ He was anxious to have his views put on record.⁴⁰

MR. GAMBLE said this was one of the questions on which he agreed with the member for Kent. He⁴¹ desired also to carry out the general measure spoken of by Mr. Brown⁴². It would be much preferable to these isolated measures; but⁴³, as that could not be done immediately, he did not see why an exception should be made against this institution for the first time, while so many other institutions were incorporated.⁴⁴ Under the circumstances of the case, he should support the bill.⁴⁵

MR. D. CHRISTIE, of Wentworth, urged the member for Hamilton to postpone the measure, as he must know that very considerable excitement had been caused in Hamilton by some occurrences in that institution, and that very strong objections were urged against it. The objections he referred to were made by the Roman Catholics, who complained that their children were not properly treated; and as a proof of it, they had, in a body, petitioned the Corporation to withdraw the annual grant from the institution.⁴⁶ The City Council had refused a grant on that ground.⁴⁷

SIR A. MACNAB denied that there was any foundation for the complaints which had been made. There had been a great [*sic*] deal of talk, but there was nothing in it. The institution was a blessing to the city, as every resident would freely confess.⁴⁸ The corporation of Hamilton had highly approved of this institution. They offered money even for the purpose; but the ladies would not accept it on the terms desired, viz:--that the City Council should have control over it.⁴⁹

MR. WHITE said that there had been difficulty in the institution caused by the religious teaching of the children. That fact was notorious, as it had caused very considerable excitement in Hamilton.⁵⁰

MR. HARTMAN said great dissatisfaction had been felt at Hamilton on account of the control of the institution being placed in the hands of one sect who enforced their religious views on the children who received their bounty.⁵¹

MR. PRES. EX. COUN. CAMERON could not understand how any sect or any body⁵² associating for charitable purposes⁵³ could be injured by permitting this institution to obtain a charter; or to invest in houses or any kind of property they choose⁵⁴, the rents of which might be applied to support the institution.⁵⁵ The people of Upper Canada would have no objection to the establishment of a charitable institution with the powers conferred by this bill, and he should support it.⁵⁶

MR. BOULTON had voted against every measure of this kind which had been

brought forward during the present session, as he was informed that the Government had a general measure in contemplation. He should therefore, vote against this bill, as he would against every other⁵⁷ in order to avoid trouble every session⁵⁸, until the sense of the House had been expressed on the general measure.⁵⁹

MR. CAUCHON beginning to speak--⁶⁰

MR. D. CHRISTIE (Wentworth) said the Catholics of Hamilton had petitioned the City Council against the grant for this institution [sic].⁶¹

SIR A. MACNAB said they petitioned to have a grant for themselves and they got it. There was no feeling among the Catholics against the institution.⁶²

MR. CAUCHON [continued: He] would vote for the bill⁶³ as it was apparent that the Roman Catholics of Hamilton had had sufficient time during the two months the bill was before the House, to come down and make their complaints against the institution, if there was any reason to complain.⁶⁴ If the Catholics of Hamilton opposed the grant they should oppose it by petition, and if they could not agree to maintain an institution jointly with the Protestants, they ought to get up an institution for themselves. He objected to the general act of incorporation, because it would destroy the check to the too great spreading of these institutions as had been in other countries.⁶⁵

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the amendments be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Christie of Wentworth, That the word "now" be left out, and the words "on the fifteenth of February next" added at the end thereof;

MR. BROWN said that the President of the Council⁶⁶, Mr. Cameron⁶⁷, had astonished him by the style of his argument. The hon. gentleman asked what harm this institution could do, if it acquired houses and landed property; he would ask in return, what was that gentleman's agitation, on the subject of the Clergy Reserves, founded on, except that they stopped the progress of the country; and what was his opposition to the proposal to place the Clergy Reserves in the hands of the different sects founded on, if it were not exactly the principle on which he (Mr. B.) acted now⁶⁸, that the property would thus be kept in large masses and the people become a dependent tenantry. He objected to splitting up the people of the country into rival sects for such institutions as these.⁶⁹ The result of establishing benevolent institutions under sectarian control, was to cause a great deal of unpleasant feeling and bickering among the different sects. An instance of it was the split off from this Institution at Hamilton by the Roman Catholics, on account of their children being taught the Protestant religion. When such institutions were established, it should be on a broad system,--a universal, a truly Catholic basis,--so as to look more to charity than to proselytism.⁷⁰

MR. COM. CR. LANDS ROLPH said: That knowing nothing of the private bill under consideration but what he gleaned from the debate, he had been under hesitation how to vote, till the debate was over. It is an orphan asylum seeking an act of incorporation. It is objected that such institutions should not be incorporated, and the hon. member for Kent (Mr. Brown) has taken the lead in opposing it on general grounds. Await, it is said, the general measure about to be introduced, under which a number of individuals

may under its provisions, at once, proceed to make themselves a body corporate for the object for which they have associated. Such a measure is exceedingly desirable. But the present absence of such a measure is not the fault of the hon. and gallant knight, who has had his bill on the orders of the day for many weeks, and as he has conducted it to the eve of a third reading, it would be ungracious to abstract it now, unless it involved an objectionable principle. He (Mr. R.) was against this system of granting incorporations. It had ever involved a system of favoritism. Acts of incorporation had heretofore been conceded to some; and capriciously refused to others. It had been in that way, he had noticed, a course of partial legislation; a means of depressing energy and crippling enterprize [sic], by refusing an act of incorporation to some while, by conceding it to others, fair competition was destroyed, and an unjust monopoly [sic] created. It was one odious class of legislation. But a general act will sweep away the evil, by giving full play to the voluntary principle, and basing the whole thing upon the unerring maxim of equal civil and religious rights. There is a wide difference between allowing corporations, and endowing them. A body corporate is a voluntary association invested with the rights of an individual, and, moreover, with a perpetuity which an individual cannot have. It is not liable to the ordinary casualties which affect the transmission of private rights, but is capable, by its constitution, of indefinitely continuing its own existence, its exertions, and its usefulness. Such are our county, city, and other municipalities. By these agencies we make our roads and railways; our hospitals and asylums.--These embodied, concentrated or corporate powers or companies, seem necessary for all those greater progressive and desirable undertakings which are beyond the utmost energies, means and life of one man; and when those corporate rights are open to all, competition supercedes corruption. But the hon. member for Kent is indignant at the extension of this principle to the orphan asylum. Now, if the right of incorporation is properly extended to all engaged in wordly enterprise, why not to those engaged in benevolent enterprise? Christian enterprise by voluntary associations cannot be wrong. He (Mr. R.) believed that the hon. member for Kent professed to be a voluntary--to desire to promote all laudable efforts by the funding of voluntary gifts, and their appropriation by voluntary agents. If this is right, how can it become wrong to remove out of their way the difficulties of mere legal technicalities; to give them, when combined, the right to act as an individual might, with the further advantage of continuous and more lasting usefulness? If a benevolent corporation is wicked, or politically or socially vicious, so must be any similar new voluntary association. The question is, ought we to give, by a corporate capacity, a freer scope and more ample powers and a more durable existence to such christian institutions, or ought we to contract, enfeeble, and abridge them, by subjecting them to those very legal disabilities, which, we daily remove from commercial, civil, and other bodies. Are we to refuse to the benevolent what we yield to the mercenary world? It is, therefore, just as right to incorporate the Hamilton Orphan Asylum, as the city of Hamilton itself; and the same principle applies to all similar cases. Let the voluntary assumption of corporate powers be part of the law of the land. But there are two other points in which he (Mr. Rolph) agreed with the member for Kent. In the first place, as a matter of public policy, there should be a limitation to the amount of property held. But the limitation of a power, to prevent the evil of undue accumulation, is no argument against the existence of the power at all. In the second place, he (Mr. Rolph) agreed with the hon. member for Kent, that such private corporations, whether for commercial, benevolent, or christian purposes, ought not to be endowed from the public funds. The endowment of a few, is an injustice to all the rest. In the christian world, in like manner, it is right that christian associations should have equal rights with the rest and among themselves, with

the above restrictions. But it would be objectionable to incorporate and endow one christian body and exclude the rest; that is, it is objectionable to have an endowed established church at the expense of the rest. It is right that the Protestant Episcopal Church should solemnize marriage, but it was wrong to withhold it from others. It was right the Protestant Episcopal Church should hold churches and burial grounds; it was wrong to withhold it from others. It is right the Hamilton Orphan Asylum should be, if it chooses, a body corporate; but it would be unjust to withhold the same right from others. The East India Corporation is bad, only because it excludes others from the same channels of industry and enterprise. He (Mr. Rolph) should be satisfied when all christians, as individuals and associations, had equal religious rights. It was the motto with which he (Mr. R.) began life and intended to end it. But, says the member for Kent, with awe-stricken appearance, "it has in it the hateful sectarian element!" It is difficult to know what the member for Kent means by sectarianism; or how he means to deal with it; in truth, he himself does not seem to know. If by sectarianism, as odious in his sight, he means the diversity of Protestant churches, he (Mr. Rolph) dissented from him. As unity is the glory of the Roman Catholic, so diversity is the glory of the Protestant Church. The member for Kent was a sectarian, a member of a christian sect; and of the Kirk of Scotland, but a dissenter from it: a chip off the old block. And it ill befitted him as a sectarian, with all the possible ... of heresy and schism resting on him, to talk as if his was the only one true church in christendom, to chide and legislate against all shades of opinion differing from his own. As he is a sectarian, it would be but political modesty to abstain from reproaches against other sects and from prostituting the legislative power in any covert way against them. Sectarianism was the offspring of the Reformation; it is the characteristic feature of the Protestant world; it is the result of freedom of thought and freedom of action; and if the member for Kent hates sectarianism, perhaps the Roman Catholic church in its unity may yet receive him into her embrace. He had expressed his aversion to the orphan asylum; because there was in it religious sectarianism; because it had not what he (Mr. Brown) wished to see in all such institutions, "universal catholicism without sectarianism!" The profundity of this enunciation it was impossible to fathom.⁷¹

MR. BROWN interrupted, saying he used no such words.⁷²

MR. COM. CR. LANDS ROLPH continued: He had marked the words when uttered, and pondered over them to the close of his (Mr. Brown's) speech.⁷³

A voice called out, "he used the very words."⁷⁴

MR. COM. CR. LANDS ROLPH said, if any member will say he (Mr. Brown) did not use the words, he would abstain from remark.⁷⁵

A pause.⁷⁶

MR. COM. CR. LANDS ROLPH continued: Then he, Mr. Brown did use the words-- "universal catholicism without sectarianism." Penetrating the depth of this sage saying, it can only mean universal adherence to the catholic church, without dissent. Those not having the honor of knowing him (Mr. Brown) might take him to be a son of the catholic church in the garth of a protestant; the protestant friend of "universal catholicism without sectarianism!" It is impossible to frame a benevolent institution that will suit him. If it consists of one sect, he calls it denominational, tending (to use his own words) "to split christianity into numberless sects." If it consists of divers sects, he denounces it as sectarian, made up of sects; and truly and rightfully it is such. If it were made after the nondescript fashion of "universal catholicism without sec-

tarianism, the member for Kent would soon revile it, as he does the catholics and their church. When a man leaves his own sect and has an unconquerable aversion to all others in supposed error, it places him in a position between his undue preference and his illiberal hostilities. This is the source of bigotry. The member for Kent can only extricate himself from what he really appears, from his language, to feel to be the labyrinths of catholicism sectarianism, by discreetly and patriotically leaving these things, as a legislator, alone. Let him, if it is not too late, convert himself into a Gamaliel. Let there be the same liberty for christians and their associations as for lawyers and for doctors, for merchants and for painters and their respective associations; and when we grant an act of incorporation to this orphan asylum, let it be only the prelude to an act which makes the same privilege, by a general act, accessible to all. It is the want of generality which is objectionable; the refusing to religious classes the civil rights of the lay people; the assumption that a religious association, because it is such, must not have the full measure of equal civil rights; the attempt, by indirect means, to impose disabilities on such associations and exclude them from legitimate fields of christian exercise and usefulness; the erection of a Parliamentary standard about religious classes, instead of leaving them to the moral laws of Providence and the judgment of a christian people. He (Mr. Rolph) had heard men of pretensions talk of excluding christians and christian associations (as if it were a crime to be a christian) from one thing and from another thing; from voting at elections, from teaching or from holding an orphan asylum or a college. The less we interfere with those moral laws which have been framed with striking adaptation to the physical condition of man, the better. Even if some religious associations make a headway, in opposition to our wishes and opinions, we are not to legislate them down. If one church, under equal civil and religious rights, attains a pre-eminence over others, the case must be met, not by the arm of power, but by a christian spirit of emulation [sic] in increased and better directed moral efforts to decide the contest. Frame any such institutions as you please upon theoretical or exclusive principles, and place [them] in any hands you please, under restrictions intended to maintain the condition and management you have imposed; and you will find the fluctuations and the power of public opinion more than your match. What you evade now, you will be compelled to yield to hereafter. Even against charters and by-laws and bequests, institutions have often utterly changed their character, and been moulded to new influences and circumstances. It is in this way that truth and error have fair play. On this account endowments are hazardous as well as injurious. The erection of a mammoth institution with endowment, is a centralization of power and means, unjust to all others, calculated to prevent the diffusion of knowledge and enterprise, and truly nipping to all other institutions starved in the more wintry, unfavored regions of a country. The most progressive countries are decentralizing--and the less we interfere with these benevolent institutions and leave them free under free laws, the more diffused will be their usefulness. It has been said there have been religious feuds in the orphan asylum. With these it is not our province to interfere. It is impossible it should be otherwise, unless strictly denominational. If not publicly endowed, those who manage such an institution must settle those domestic matters. Those who like it remain; those disliking it, go away. With its religion, as a voluntary association seeking only corporate powers, we have nothing to do. He (Mr. Rolph) should vote for it because such was its character, and because it was open to the orphans of all countries in the world, and of all creeds in religion, found destitute among emigrants.⁷⁷

SIR A. MACNAB took the opportunity again of denying the truth of the rumours to which hon. members had alluded. The institution was by no means a sectarian

one. If the Roman Catholics of Hamilton wished for a similar bill to be introduced, he would have great pleasure in doing so.⁷⁸

MR. BROWN wished it to be most distinctly understood that he had no objection to this institution; but he did object to the principle of allowing it to acquire and lock up real estate; he also objected to the children being gathered together in large numbers.⁷⁹

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the amendments be now read a second time.

And the said amendments being read a second time, were agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

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Mr. LeBlanc, from the Committee to consider certain Resolutions relative to the establishment of a Line of Steamers between Quebec or Montreal and Liverpool, reported several Resolutions; which were read, as followeth:--

1. Resolved, That it is expedient to establish a Line of Screw Steam Vessels to run between the Ports of Liverpool in England, and of Quebec and Montreal in this Province, once in every fortnight, during the navigation of the River St. Lawrence, and between the said Port of Liverpool, and the Ports of Halifax in Nova Scotia, and of Portland in the United States of America, once in every month in the winter season.

2. Resolved, That it is expedient to appropriate a sum not exceeding Nineteen thousand pounds sterling, per annum, for seven years, commencing on the first day of May next, to carry the above Resolution into execution.

3. Resolved, That it is expedient that the said Steam Vessels should be exempted from the payment of all Light Dues or other Provincial Dues on the River St. Lawrence.⁸⁰

MR. COM. PUB. WORKS CHABOT moved the concurrence of the House in the report of the Committee of the Whole on the Steam screw vessels.⁸¹

MR. MACKENZIE asked for explanations.⁸²

MR. MERRITT said he approved of this plan.⁸³ [But he] feared that the measure scarcely went far enough to compete successfully with the lines running to New York and Boston.⁸⁴ The bounties given by the British and American governments to their steam vessels were so much given in favor of the trade of New York against that of Quebec. These bounties at present amounted to a sum of money yearly representing a capital of \$28,000,000. This had greatly reduced freights and encouraged emigration. While, then, he would offer no opposition to this measure, he thought it did not go far enough. He did not believe that the aid at present given would suffice to lower freights, and he hoped next year the government would come down with an address to the Imperial government praying for a grant for a twice a week line between England and Quebec.⁸⁵ If it were such a proposition as would ensure semi-weekly trips instead of fortnightly, it would have the effect the Ministry desired; and reduce the rate of freight on the ocean, which is now the great difficulty that the Canadian merchant has to compete with.⁸⁶

MR. INSP. GEN. HINCKS did not think the grants to the New York steamers did any great mischief to the St. Lawrence trade, or if that state of things could be remedied in the way the hon. member for ... [Lincoln suggested]. The mails for the United States could not come to Quebec, even if Quebec were open all the year, and the grants to the Cunard steamers were given for carrying the mail. The only way to prevent this was by carrying out our railways, as the house was well disposed to do, so as to make Hailfax [sic] the point to which the whole of the European mails should come for the whole of the American continent.⁸⁷ The hon. gentleman appeared not to be aware that by this measure it was proposed that immigrants should be carried very cheaply; in his opinion the increase of the business of transporting immigrants from Europe to this Continent was one of the principal means which should be looked to for a diminution in the cost of freight.⁸⁸ He believed the expenditure would be fully justified; but he did not think it would be good policy to go too far, or farther than the present proposition.⁸⁹

MR. RIDOUT supported to a great extent the views of the hon. member for Lincoln.⁹⁰ He looked upon the measure before the House as a most valuable one, and it should receive his hearty support; but he thought that the bounty granted by it might be extended, with much advantage to the country.⁹¹ [He] would, if necessary, be ready to grant more money than now proposed for these steamers, which he believed would have the effect of reducing the Ocean freights.⁹²

MR. MACKENZIE spoke at some length in support of the motion.⁹³

MR. CLAPHAM thought [that] associated with the steamboats should be an agent⁹⁴. [He] suggested that the hon. member for Haldimand should be deputed to England, for the purpose of explaining the advantages to be derived from emigration to this country. He thought the hon. gentleman was admirably adapted for that purpose.⁹⁵

MR. DUBORD thought the steamboats would not reduce freights.⁹⁶ The existing rates of ocean freight are so low that no shipowner could sail his vessels profitably; the reduction of those rates which was desired by the member for Lincoln would therefore be ruinous to them. The fact was, that the rates of insurance are much too high, and nothing is done to reduce them. If a general insurance office were established with the guarantee of the Province, it would tend very materially to reduce those exorbitant rates.⁹⁷ The system, which made sailors so dear was also most injurious; yet that was to be perpetuated [sic]. Post charges ought also to be reduced. Without these things being changed, there could be no reduction of freights or passage money, which were already as low as they could be, considering these things. He however supported the motion.⁹⁸

MR. MARCHILDON opposed the steamers, saying that though he was very happy that the miserable population of England or Ireland should have the means of escaping from their masters, unless the population of Canada were protected against the taxes that were now to be laid for all these things, they too would have to go in turn to Wisconsin and other like places.⁹⁹

A few words [were said] in reply to Mr. Marchildon by MR. COM. PUB. WORKS CHABOT¹⁰⁰.

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The said Resolutions, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Chabot have leave to bring in a Bill for the establishment of a Line of Steam Vessels between this Province and the United Kingdom.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on Monday next.

Mr. Johnson, from the Committee on the Message of His Excellency the Governor General, of Thursday last, recommending an annual Pension to the Widow of the late Lieutenant Colonel Antrobus, reported a Resolution; which was read, as followeth:--

Resolved, That it is expedient to grant a Pension annually, to be voted to Catherine Esther Bréhaut, the Widow of the late Lieutenant Colonel Antrobus, in his life time Provincial Aide-de-Camp to the Governor of this Province; and that the amount of the said Pension be, for the present year, Two hundred pounds currency, to commence and be counted from the day of the decease of her late husband the said Lieutenant Colonel Antrobus.¹⁰¹

MR. MACKENZIE could not understand why Mrs. Antrobus should be pensioned more than any one else. Her husband had had a good salary and a pension; her brother was a clerk of the Peace with no doubt a good salary at Montreal; Col. Hanson, another relative was one of these commissioners who had got \$50,000 the other day for the commissionership. Why should not these people support their relatives as other people had to do. There were he was told several young men, too, in the family, why did not they work as his family would have to do, and as other people must do? Was it the fault of the province that this gentleman was extravagant and therefore, in spite of a good income, left his family in distress? If this were only a pension of £200 a-year, it would not be worth saying anything about, but it was a principle that would be extended. Why should not the families of the poor messengers who had died like Col. Antrobus be also pensioned as well as the people, whose recommendation was only that they were ladies. In the country parts there were scores of poor schoolmasters, who were working hard for £40, or £50 per year; why were they not sought out for these pensions. He regretted to have to make these remarks; but he could not understand why these people, for whom he had nothing but kindly feelings should not learn at once to make their own way in the world.¹⁰²

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The said Resolution being read a second time;

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Chabot, and the Question being put, That this House doth concur with the Committee in the said Resolution; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Cameron, Chabot, Chapais, Christie of GASPE, Clapham, Dubord, Fournier, Hincks, Johnson, Langton, LaTerrière, Laurin, Lyon, Sir A.N. MacNab, McDougall, Merritt, Morin, Morrison, Paige, Poulin, Attorney General Richards, Robinson, Rolph, Stevenson, Stuart, and Taché.--(27.)

NAYS.

Messieurs Brown, Christie of WENTWORTH, Dixon, Gamble, Mackenzie, Marchildon, Seymour, Street, White, and Willson.--(10.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Attorney General Richards have leave to

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bring in a Bill to make certain provisions with regard to Common Schools in Upper Canada, for a limited period.

He accordingly presented the said Bill to the House, and the same was re-

ceived and read for the first time; and ordered to be read a second time on Monday next.

Mr. Poulin reported the Bill to empower François Daigle and Alexis Dufresne to demand Tolls on the Bridge erected by them over the north branch of the River Yamaska; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize François Daigle and Alexis Dufresne to demand Tolls upon a Bridge which they have constructed on the northern branch of the River Yamaska."

Ordered, That Mr. Sicotte do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Mackenzie reported the Bill to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds, to consolidate the City Debt, and for other purposes; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Macdonald do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Malloch reported the Bill to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

The Honorable Mr. Cameron moved, seconded by the Honorable Mr. Hincks, and the Question being put, That the Bill do pass; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Burnham, Cameron, Chabot, Chapais, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dubord, Fournier, Hincks, Johnson, Laurin, Mackenzie, Malloch, McDougall, Morin, Morrison, Paige, Patrick, Poulin, Attorney General Richards, Rolph, Stuart, Taché, Tessier, and White.--(28.)

NAYS.

Messieurs Badgley, Brown, Dixon, Gamble, Sir A.N. MacNab, Robinson, Seymour, Stevenson, and Willson.--(9.)

So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Dubord reported the Bill to provide for the better organization of Agricultural Societies in Lower Canada; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

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The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Mackenzie reported the Bill to provide for the improvement and enlargement of the Harbour of Montreal, and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Young do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to establish a Consolidated Loan Fund for Upper Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Cameron, and the Question being proposed, That the amendments be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be now recommitted to a Committee of the whole House, for the purpose of inserting Plank Roads among the works included in the provisions of the Bill" instead thereof;

And the Question being put on the Amendment; the House divided:--And it was resolved in the Affirmative.

Then the main Question, so amended, being put;

Ordered, That the Bill be now recommitted to a Committee of the whole House, for the purpose of inserting Plank Roads among the works included in the provisions of the Bill.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Cameron, and the Question being proposed, That the amendments made to the Bill be now read a second time;

Mr. Gamble moved in amendment to the Question, seconded by the Honorable Mr. Badgley, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be again recommitted to a Committee of the whole House, for the purpose of adding the words 'Provided always, that such sum so to be raised as set forth in such By-Law shall, together with the debts and liabilities of such County, City, Town, Township, or incorporated Village, in no case exceed five per cent. on the whole amount of rateable property, real or personal, in such County, City, Town, Township, or incorporated Village' at the end of the second Clause" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Badgley, Chapais, Crawford, Fortier, Gamble, Gouin, Laurin, Lemieux, Lyon, Malloch, Marchildon, Mongenais, Seymour, Stuart, Tessier, and Wright of West Riding of YORK.--(16.)

NAYS.

Messieurs Boulton, Brown, Burnham, Cameron, Cauchon, Christie of WENTWORTH, Egan, Hincks, Langton, Mackenzie, McDougall, Merritt, Morrison, Attorney General Richards, Ridout, Robinson, Rolph, Shaw, Street, and Taché.--(20.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the amendments made to the Bill be now read a second time.

And the said amendments, being read a second time, were agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Cameron, and the Question being put, That the Bill do pass, and the Title be, "An Act to establish a Consolidated Municipal Loan Fund for Upper Canada;" the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Badgley, Boulton, Brown, Burnham, Cameron, Christie of WENTWORTH, Crawford, Egan, Gamble, Gouin, Hincks, Langton, Lemieux, Lyon, Macdonald of KINGSTON, Malloch, McDougall, Merritt, Morrison, Patrick, Attorney General Richards, Ridout, Robinson, Rolph, Seymour, Snaw, Sicotte, Stevenson, Street, Taché, Wright of West Riding of YORK, and Young.--(32.)

NAYS.

Messieurs Fournier, Laurin, Mackenzie, Marchildon, Stuart, and Tessier.--(6.)
So it was resolved in the Affirmative.

Ordered, That the Honorable Mr. Hincks do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, that Louis Lacoste and Edward Short, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

The Order of the House of yesterday, for the attendance of Edward Short, Esquire, in his place in this House, this day, being read:--And Mr. Short not attending in his place;

Ordered, That the 84th Section of "The Election Petitions Act of 1851" be now read:--And the same being read;

Ordered, That Edward Short, Esquire, being one of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, and not having

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been present within one hour after the time appointed for the meeting of the Committee, yesterday, and this day, and not having attended in his place in the House this day, be taken into the custody of the Serjeant-at-Arms attending this House, for such neglect of duty.

Mr. Malloch moved, seconded by Mr. Mackenzie, and the Question being put, That the remaining Orders of the day be postponed until Monday next; the House divided:--

Yeas, 12.

Nays, 18.

So it passed in the Negative.

The Order of the day for the second reading of the Bill to amend and extend the Act incorporating a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to the Standing Committee on Railroads, Canals, and Telegraph Lines.

The Order of the day for the House again in Committee on the Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled,

'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'" being read;

Ordered, That the said Order of the day be postponed until Monday next, and be then the first Order of the day.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Then, on motion of Mr. Malloch, seconded by Mr. Ridout,
The House adjourned until Monday next.

[NOTICE OF MOTION RE: COURTS OF CIVIL JURISDICTION, L.C.]

MR. BADGLEY [gave notice that he would introduce a] Bill to amend the Laws for the establishment of Courts of Original Civil Jurisdiction in Lower Canada.¹⁰³

[NOTICE OF MOTION RE: REPRINTING OF ARRETS ET ORDONNANCES OF L.C.]¹⁰⁴

MR. CHRISTIE [made a motion] for reprinting the arrêts et ordonnances of Lower Canada.¹⁰⁵

MR. AT. GEN. DRUMMOND said that it was the intention of the government not only to reprint the arrêts and ordonnances which had already been printed by the Province; but also a large number of other documents which had been since found in the Archives of the Province, some of which would be of the greatest interest, not only in a judicial, but also a literary and historical point of view.¹⁰⁶

The motion was then carried.¹⁰⁷

[NOTICE OF ADDRESS RE: CROWN LAND AGENCIES BELOW QUEBEC.]

MR. BOULTON [gave notice that he would move for an] Address to His Excellency, praying that He will cause to be laid before this House, a Return from each of the several Crown Land Agencies below Quebec, shewing the number of Saw Logs cut and quantity of Timber cut on the Waste Lands of the Crown below Quebec--on the St. Lawrence, or its tributaries, by whom cut, and the amount of duty paid by each party for Timber or Logs respectively, since 1st January, 1849.¹⁰⁸

[QUESTION AND ANSWER RE: THE INCLUSION OF MEASURES IN THE SEIGNIORIAL RIGHTS BILL TO RELIEVE THE CENSITAIRES OF ST. ROCH.]¹⁰⁹

MR. STUART enquired of the Ministry whether in the bill "To define Seigniorial rights in Lower Canada, and to facilitate the redemption thereof," it be their intention to introduce any addition for the purpose of relieving the Censitaires of the Fief and Seigniority of St. Roch, within the city of Quebec, from the heavy burthens imposed upon them by the original titles of concession, or to facilitate the redemption thereof upon more equitable terms than those now imposed under the authority of the Executive Government, for the commutation of the tenure of the lands within the Seigniories belonging to the Crown; and also, whether it be the intention of the Executive Government to submit, during the present session of the Legislature, any measure for the relief of such Censitaires from the arrears which have accrued of such burthens.¹¹⁰

MR. AT. GEN. DRUMMOND replied that the Government measure was already before the House; that an Act now existed on the statute books authorizing the commutation of the Seigniories held by the Crown. To the latter part of the question he replied that it was not the intention of the Government to introduce any measure.¹¹¹

[POSTPONED MOTION RE: THIRD READING OF POST OFFICE BILL.]

When the third reading of the Bill to regulate the Post Office came up, SIR A. MACNAB said, in all parts of the country where there were distributing offices, he thought the Postmasters should enjoy the profits of the private boxes; and he would move, as an amendment, that in the principal cities and

towns which he named, the Postmasters should enjoy the profits of their boxes, under a certain amount. He was not willing to arrest the bill in its present stage; but if it were allowed to stand over, he would prepare an amendment. The duties of some of the Postmasters, he said, were most serious, and they, with their clerks, had often to be up all night; and the former only received £400 per annum. He was, therefore, desirous that they should enjoy the profits of the private boxes.¹¹²

MR. PROV. SEC. MORIN said he had no objections to the bill standing over for an hour, that he might have an opportunity of consulting the Postmaster General.¹¹³

FOOTNOTES: 6 NOVEMBER 1852.

1. MORNING CHRONICLE, 8 November 1852.
2. GLOBE, 20 November 1852.
3. IBID.
4. IBID.
5. IBID.
6. MORNING CHRONICLE, 10 November 1852.
7. GLOBE, 20 November 1852.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, QUEBEC GAZETTE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, HAMILTON SPECTATOR WEEKLY, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852. The debate was also reported by GLOBE, 20 November 1852.
15. GLOBE, 20 November 1852.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. The speech of the member for Haldimand, MR. MACKENZIE, was not reported in any of the accounts on this debate.
24. MORNING CHRONICLE, 10 November 1852.
25. GLOBE, 20 November 1852.
26. MORNING CHRONICLE, 10 November 1852.
27. GLOBE, 20 November 1852.
28. MORNING CHRONICLE, 10 November 1852.
29. IBID.
30. IBID.
31. GLOBE, 20 November 1852.
32. IBID.
33. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, QUEBEC GAZETTE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, HAMILTON SPECTATOR WEEKLY, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852. The debate was also reported by GLOBE, 20 November 1852. Dr. Rolph's speech was reported in identical accounts by: QUEBEC GAZETTE, 10 November 1852 (in a separate account which was erroneously placed within the St. Mary's College debate of 5 November 1852), and BATHURST COURIER, 26 November 1852.
34. GLOBE, 20 November 1852.
35. MORNING CHRONICLE, 10 November 1852.
36. GLOBE, 20 November 1852.
37. IBID.
38. IBID.

39. MORNING CHRONICLE, 10 November 1852.
40. GLOBE, 20 November 1852.
41. IBID.
42. MORNING CHRONICLE, 10 November 1852.
43. GLOBE, 20 November 1852.
44. MORNING CHRONICLE, 10 November 1852.
45. GLOBE, 20 November 1852.
46. IBID.
47. MORNING CHRONICLE, 10 November 1852.
48. GLOBE, 20 November 1852.
49. MORNING CHRONICLE, 10 November 1852.
50. GLOBE, 20 November 1852.
51. MORNING CHRONICLE, 10 November 1852.
52. GLOBE, 20 November 1852.
53. MORNING CHRONICLE, 10 November 1852.
54. GLOBE, 20 November 1852.
55. MORNING CHRONICLE, 10 November 1852.
56. GLOBE, 20 November 1852.
57. IBID.
58. MORNING CHRONICLE, 10 November 1852.
59. GLOBE, 20 November 1852.
60. MORNING CHRONICLE, 10 November 1852.
61. IBID.
62. IBID.
63. IBID.
64. GLOBE, 20 November 1852.
65. MORNING CHRONICLE, 10 November 1852.
66. GLOBE, 20 November 1852.
67. MORNING CHRONICLE, 10 November 1852.
68. GLOBE, 20 November 1852.
69. MORNING CHRONICLE, 10 November 1852.
70. GLOBE, 20 November 1852.
71. QUEBEC GAZETTE, 10 November 1852. The ellipsis represents illegible words.
72. QUEBEC GAZETTE, 10 November 1852.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. GLOBE, 20 November 1852.
79. IBID.
80. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, QUEBEC GAZETTE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, HAMILTON SPECTATOR WEEKLY, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852. The debate was also reported by GLOBE, 20 November 1852.
81. MORNING CHRONICLE, 10 November 1852.
82. IBID.
83. IBID.
84. GLOBE, 20 November 1852.
85. MORNING CHRONICLE, 10 November 1852.
86. GLOBE, 20 November 1852.
87. MORNING CHRONICLE, 10 November 1852.
88. GLOBE, 20 November 1852.

89. MORNING CHRONICLE, 10 November 1852.
90. IBID.
91. GLOBE, 20 November 1852.
92. MORNING CHRONICLE, 10 November 1852.
93. IBID.
94. IBID.
95. GLOBE, 20 November 1852.
96. MORNING CHRONICLE, 10 November 1852.
97. GLOBE, 20 November 1852.
98. MORNING CHRONICLE, 10 November 1852.
99. IBID.
100. IBID.
101. The following papers reported Mr. Mackenzie's speech on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, QUEBEC GAZETTE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, HAMILTON SPECTATOR WEEKLY, 18 November 1852, NORTH AMERICAN SEMI-WEEKLY, 30 November 1852, and NORTH AMERICAN WEEKLY, 2 December 1852. All of the above papers reported the division as "Ayes, 37; Nays, 10". This speech was also noted by GLOBE, 20 November 1852.
102. MORNING CHRONICLE, 10 November 1852.
103. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
104. The following papers reported this motion in identical accounts: MORNING CHRONICLE, 8 November 1852, QUEBEC GAZETTE, 10 November 1852, PILOT, 11 November 1852, and BRITISH COLONIST, 12 November 1852.
105. MORNING CHRONICLE, 8 November 1852.
106. IBID.
107. MORNING CHRONICLE, 8 November 1852. This Motion does not appear in the JOURNALS. The report that "the motion was then carried" is perhaps mistaken.
108. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
109. The following papers reported this question and answer in identical accounts: MORNING CHRONICLE, 8 November 1852, QUEBEC GAZETTE, 10 November 1852, PILOT, 11 November 1852, and BRITISH COLONIST, 12 November 1852. It was also reported by GLOBE, 20 November 1852.
110. GLOBE, 20 November 1852.
111. IBID.
112. IBID.
113. IBID.

MONDAY, 8 NOVEMBER 1852.

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THE Serjeant-at-Arms attending this House, informed the House, that he had been unable to comply with the Order of the House, of Saturday last, for taking into his custody Edward Short, Esquire, in consequence of his absence from this City.

The following Petitions were severally brought up, and laid on the table:--

By Mr. Street,--The Petition of Leonard Misener, Esquire, and others, of the Township of Wainfleet.

By Mr. Brown,--The Petition of the Reverend William Scott and others, of Melbourne and vicinity; and the Petition of Mrs. J. Cumming and others, female inhabitants of the County of Glengary.

By Mr. Christie of Wentworth,--The Petition of George D. Griffin and others, of the Township of Brantford.

By Mr. Christie of Gaspé,--The Petition of A. Painchaud, Esquire, and others, Traders and Merchants of the Magdalen Islands.

By Mr. Mongenais,--The Petition of Denis Veronneau and others, Commissioners of the School Municipality of the Parish of St. Zotique, County of Vaudreuil.

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The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to an Address to His Excellency the Governor General,--Return to so much of an Address from the Legislative Assembly to His Excellency the Governor General, dated the 30th September last, as prays that His Excellency would be pleased to cause to be laid before the House, a Statement in detail, shewing what books, maps, and other articles for Schools or Teachers, have been purchased and sold by the Superintendent of Education, West, within the last three years, whether as advertized for sale in his official paper, the Journal of Education, or otherwise offered to the Public and to School Teachers, together with the profits thereon, and upon the said Journal, and to what purposes said profits are applied; also, shewing in detail the manner in which £2000 granted for School Libraries, and the £2700 for School Architecture and Normal School contingencies, and Student Teachers, have been disposed of and applied.

For the said Return, see Appendix (L.L.L.)

Pursuant to the Order of the day, the following Petitions were read:--

Of R.G. Belleau and others, of the Parish of Notre Dame de Québec; praying for the passing of an Act to invest the Roman Catholic Inhabitants of the said Parish with the rights and privileges possessed by persons known as "Notables" in the other Parishes of this Province, with regard to the Fabriques of the said Parishes, and to the government and administration of the same.

Of David Harrison and others; praying aid to open a Road through the Townships of Gloucester and Cumberland, to the 2nd and 3rd lines of Russell, and thence to the Road leading from the front to Armstrong's Mills, in Winchester.

Of the Very Reverend P. Archambeault and others, of St. Michel and other Parishes, in the County of Vaudreuil; and of Hyacinthe E. Charlebois, Esquire, Registrar of the County of Vaudreuil; praying that the County seat of the said County may not be removed as petitioned for.

Of James Patrick and others, of the Township of Durham, County of Drummond; praying the repeal of the Act for the establishment of Commissioners' Courts.

Of Joseph Ouellet, Esquire, and others, Notaries Public, of the District of Kamouraska; praying for the passing of an Act to separate and establish them as a distinct Board, and to amend the Act 10 & 11 Vic. cap. 21, with reference thereto.

Of the Peterborough and Port Hope Railway Company; praying that the applica-

tion for an Act to incorporate the Cobourg and Peterborough Railway Company may not be granted.

Of Mrs. Margaret Machar, President, and others, the "Widows and Orphans' Friend Association" of the City of Kingston; praying for an Act of Incorporation.

Of the Council of the Quebec Board of Trade; praying that the Bill to explain and remove doubts as to the construction of the Act authorizing parties to sue and defend Causes in formâ pauperis before the Courts of Law in Lower Canada, may not pass into Law.

Of Joseph J.R. Lecomte, Esquire, of the Village and Parish of Nicolet; praying that the Government may be authorized to grant him the lease of the Toll-Bridge over the River Nicolet, on certain conditions.

Of Benoit Marcoux, of Quebec, Joiner; representing that while working at the residence of His Excellency the Governor General, at Spencer Wood, in 1851, he was disabled by reason of an accident, and praying aid in the premises.

Of O.E. Casgrain, Esquire, and others, of the County of L'Islet; praying for aid to open a Road from the Parish of L'Islet through the unconceded Lands of the Crown to the Province line.

MR. MACKENZIE¹ moved an address for information on a great number of topics connected with the affairs of the Canada and British America Land Company.²

MR. INSP. GEN. HINCKS assented to the motion so far as ... it related to information, which the Government had the means of supplying.³

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On motion of Mr. Mackenzie, seconded by Mr. Christie of Wentworth,

Ordered, That the Clerk of this House do request the Canada Company, through its Agents at Toronto, or at Goderich, to transmit to this House,

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a Statement of the affairs of the said Company, made up to as recent a date as possible, shewing:

--1. The amounts of said Land Company's assets and liabilities in Canada, and of what they severally consist.--2. The number of acres of land now unsold and unoccupied, and in what Counties, severally, situated, with the aggregate sums of wild land tax paid thereon by the Company, in 1849, 1850, and 1851.--3. The number of acres sold in each fiscal year since 1844, and at what average rates; also the number of acres, in these years, for which deeds have issued to purchasers.--4. The aggregate quantity of lands sold on credit, since the Corporation commenced operations, for which purchasers have not as yet received any deeds; the aggregate number of said purchasers; and the number that have left or deserted their land and improvements, or forfeited them and been removed or ejected.--5. The number of the Company's tenants now residing on leased lots,--the number of acres leased, and in what Counties,--the aggregate rent payable yearly by said tenantry, and the average length of their leases,--how many of the said tenantry have left their improvements, how many have been ejected from their farm lots, and how many acres have been leased yearly since 1844.--6. A Schedule of the landed estate, if any, purchased by the Company, (under authority of the Imperial Act 6 Geo. 4, Cap. 75, Sec. 7, or any subsequent Charter or Statute,) from the Government, from Corporations, and from individuals, other than the Reserves included in the Company's bargains with the Imperial Government, shewing from whom bought, when, at what prices, and where situated.--7. The several rates and amounts of the dividends of gain or profit realized or made since 1844, and when said dividends were declared.--8. The aggregate nominal value of the Company's Capital Stock held in Canada, Nova Scotia, New Brunswick, Newfoundland,

and Prince Edward's Island, and the aggregate amount owned elsewhere.--9. The gross amount of donations by the Company, and of Stock paid in, since 1827, in aid of Canadian Railways, Harbours, Canals, Bridges, or the improvement of Inland River Navigation, beyond the limits of the Huron Tract, and exclusive of those expenditures upon their own lands, to enhance the value, which were considered by Government as payments in part of the price of said lands; with the amount of free gifts or donations, in aid of British or Irish settlers, to enable them to come to Canada.--10. The aggregate number of Law suits now pending between their tenants or other indebted settlers, as nearly as can be ascertained.--11. Copy, in blank, of any printed leases, deeds, and mortgage forms in use by the Company; also of any additions or amendments made by the Crown to the Company's Letters Patent, under authority of Sec. 6, of the Imperial Statute 9 Geo. 4. Cap. 51.

On motion of Mr. Mackenzie, seconded by Mr. Wright of the East Riding of York,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause to be laid before this House, a Return shewing, 1st. The sums paid by the Government up to this date to the Corporation of the Railway now in progress between Toronto and Barrie on Lake Simcoe, of the Great Western Railway and its branches, and of the St. Lawrence and Atlantic Railway, and the sums agreed to be paid, for which Provincial Debentures are about to issue, to each of the said Railway Companies, and so as to show the whole payments, votes of credit, or pledges for principal or interest or both, from Government in aid of Railways. 2nd. Copy of any Reports or other official correspondence that may have taken place between the Engineers and other officers employed by the Government to report upon the condition and progress of the above Railways, or the expenditure on the same, and the Executive Government, or any Head of a Department or Bureau thereof, since the close of the last Session of the Legislature.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

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On motion of Mr. Mackenzie, seconded by Mr. Wright of the East Riding of York,

Ordered, That the Clerk of this House do request the Presidents of the following Railway Companies, to furnish this House with the following information, viz: 1st. The gross amount of instalments on their Stock, paid in by the present Directors of the Railway now in progress between Toronto and Barrie on Lake Simcoe, the Great Western Railway and its branches, and the St. Lawrence and Atlantic Railway, up to the 1st instant. 2nd. The gross sum actually paid in as instalments, by individ[u]al Stockholders or firms, in each of the said Railways, up to the 1st instant. 3rd. The gross sum paid in (or agreed to be paid in, and for which they have severally given either of the said Railway Corporations their obligations) by Municipal Corporations, to each of the said Railway Corporations, up to the 1st instant. 4th. Lists of the present Officers and Directors of the above three Railways, stating the gross income of each, derived from the funds of the said Corporations.

MR. MACKENZIE⁴ then moved for a return relative to the Post Office, and for correspondence between the Imperial and Provincial Governments on the same subject.⁵

MR. INSP. GEN. HINCKS said, the course taken by the member for Haldimand was more unfair than usual; as he had endeavoured to represent that the information applied for last session, had been refused by the Government; when it

was distinctly stated at the time that there was no information that had not been given. Every shilling of money, he said, which had been received had been paid over, and is to be found in the public accounts; but the details had never been obtained from the home Government. The member for Haldimand talked about Mr. Stayner, when he knew that everything had been done to place the Post Office under Provincial control, and which ultimately had been obtained.⁶

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*Mr. Mackenzie moved, seconded by Mr. Wright of the East Riding of York, and the Question being put, That an humble Address be presented to His Excellency the Governor General, praying that he would cause to be laid before this House, a Return shewing what was the net balance of Revenue, over and above the payment of the expenses of the Post Office Department in Canada, (as said receipts and expenses are stated in the Returns before the Legislature,) at the time when the Department came under Provincial control, and which balance of Postal Revenue was payable into the Public Chest of Canada, for public uses; and whether such balance has been applied to any public purpose, and, if so, to what purpose, and by what authority; also, copy of the Correspondence that took place between the Imperial and Provincial Authorities relative to the transfer of the Post Office Department to the Colonial Government, except such documents as have been sent down already:--It passed in the Negative.*⁷

MR. MACKENZIE⁸ then moved a special committee to draft a bill for a survey of a tract of country between Lake Huron and the Ottawa River, and for its allotment in Free Grants. The hon. member spoke some length contending in favour of a geological survey and of the system of free grants such as prevailed in the United States.⁹

MR. AT. GEN. DRUMMOND said if the hon. member would go into the room belonging to the geological [sic] surveyors, he would find one of the best geological maps that had ever been made anywhere. Mr. Logan had in fact rendered more service to science than almost any man on the American continent, and had in fact made superhuman exertions, considering [sic] the small sum that was allowed for the survey. In New York State £6000 per annum were expended on the geological survey alone, and he would gladly see as much expended here.¹⁰

MR. MACKENZIE wanted not maps in private rooms; but maps in every body's hands. He then enlarged upon the importance of settling the ... wilderness with farmers, and thus increasing the resources of the country.¹¹

MR. ROBINSON would not vote for a bill for this purpose; but would vote for an address to His Excellency. He understood that a surveyor was already examining that district, and probably the Government would bring down something which could answer the purpose.¹²

MR. PRES. EX. COUN. CAMERON coincided with some of the suggestions that were made as there was much that was worthy of the consideration of the Commissioner of Crown Lands, who had already directed his attention to the subject; and it would be satisfactory to the country to know that there was a bill before the House¹³, to be read a second time on the 16th February¹⁴, which had been acted on by the Commissioner of Crown Lands, who had suggested a scheme for opening up roads, and an estimate would be submitted appropriating £15,000 for that object¹⁵. [The bill] provided for what he wanted as far as the free grant system was concerned. As to the surveys, and the manner of surveying¹⁶, while here might be some improvements, yet the scheme had hitherto worked well of laying out townships of thirty six square miles.¹⁷ Any sugges-

tions which the hon. member might favour them with¹⁸ would, however, be attended to by the Commissioner of Crown Lands, who was not then in the House.¹⁹

MR. EGAN approved of the system of opening these lands, and believed that if they were hundreds of thousands of emigrants would settle there. The gift of land would not be lost to the country, but would be returned in many ways.²⁰

MR. BOULTON was also in favour of free grants.²¹ He had introduced similar resolutions early in the session, by which all the waste lands of the Province might be settled.²² The present system was most injurious²³ placing a large portion of the country in the hands of monopolists....Within a few weeks past, millions of acres had been licensed²⁴: licenses had recently been granted on the St. Maurice, at next to nothing²⁵; on the Ottawa immense tracts had been licensed to one or two firms²⁶; [and] he has just returned from a trip to New York, and in the cars met with a gentleman²⁷ [from] a firm in New York²⁸ who informed him that he had purchased 2,000,000 acres of land for £800, after having expressed his willingness to pay £2000 for 1,000,000 acres.²⁹

MR. EGAN said that the leases were from year to year, and gave no title whatever.³⁰

MR. AT. GEN. DRUMMOND said there were on the St. Maurice 150 limits³¹ [OR] one hundred and twenty-six³² of 50 miles square. Of these 14 limits were granted with privileges to those who had gone upon these lands previously and improved them. Only about three limits were let to Americans; and if³³ the American firm alluded to³⁴, as they probably were, were ready to give £2000 for 2,000,000 [sic] of acres they wanted to buy them right out. Instead of that the lands were leased at an annual revenue of £10,000, at prices in fact which surprized everybody.³⁵ It was erroneous to suppose that the granting [of] licenses interfered with the settlement of the country, as³⁶ it was well known³⁷ [that] one of the conditions imposed when the lands were licensed for lumbering purposes, is that the Government may dispose of lands within the limits, so that it did not interfere with the right of the holders of the license to cut timber....The address that had been moved for, he said, only went to approve of what the Government were doing; and a bill was then before the House, for the purpose of carrying out their intentions, and for giving free grants every where to those who proved that it was their determination to occupy the land for five years, and clearing it to a certain extent.³⁸

MR. MACKENZIE ... altered ... [his] motion ... so as to make it an address to His Excellency, requesting him to cause a survey to be made³⁹.

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*On motion of Mr. Mackenzie, seconded by Mr. Hartman,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he may take into consideration the propriety of causing an immediate Survey of the uninhabited Tract of Country bounded by the French River, Lake Nipissing, the Ottawa River, Lakes Huron and Simcoe, and the Georgian Bay, and by the settled parts of Upper Canada, so far as said Tract is, or may be, ceded by the Indians; the said Survey to be made by the cardinal points, and the lands set off into Counties, Townships, and Sections,--each Section to contain one square mile, or 640 acres, and to be subdivided into four quarter sections of 160 acres each, with a proper allowance for Roads; the Townships to be square, except where the local position of the territory surveyed may interfere; each Township, where practicable, to contain 49 sections, nine of which Townships*

to form a County; Town Plots, with lots for Schools, to be reserved in the several Townships, and a site for a County Town selected in each County; that a Geological Survey and detailed description of the soil, be carried on and completed, while the Land Surveyors are establishing the Boundaries of the Sections, Towns, and Counties: and, that to ensure the more speedy settlement of said uninhabited Tract, to provide homes for the youth of Canada, encourage immigration, and prevent emigration, every alternate quarter Section of 160 acres be bestowed upon any actual settler, the head of a family, who, at the time, owns no other land,--conditioned for a free deed from the Crown to him or her at the end of five years actual possession and cultivation,--the land thus conveyed as a free gift, not being liable for any debt that may have been contracted by the settler previous to the issue of the Crown Patent, and the intermediate lots reserved for actual settlers by purchase only.

Ordered, That the said Address be presented to His Excellency the Governor

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General by such Members of this House as are of the Honorable the Executive Council of this Province.

MR. SEYMOUR said, a firm had obtained forty-five miles square, for which they only paid £250, to the exclusion of mill-owners.⁴⁰ Now that seemed to him to be too small a sum to secure a monopoly against the mill owners, and the latter were unanimous in desiring to reduce the size of the limits in order that they might have a chance to obtain logs.⁴¹ The limits, he contended, should be made smaller; as one party, who had forty-five miles square, did not own a mill, and, consequently, sold logs, which were sent to the United States. He had, however, seen no return of any export duty that had been collected.⁴²

MR. AT. GEN. DRUMMOND admitted that there should not be extensive limits in all parts of the Province; but in some places the Government must, he said, grant large limits, or parties would not make improvements, that were required in rivers in their immediate neighborhood.⁴³ On the St. Maurice⁴⁴, at present the license-holder had to make the survey during the first year⁴⁵, so that much would be thus saved to the Government.⁴⁶ Parties, he concluded by saying, could not be prevented from making large purchases, as the lands were put up at auction.⁴⁷

MR. LANGTON said, the question of timber licenses was a most important one⁴⁸ though not now regularly before the House⁴⁹; and the entire system must be renewed. He was aware that that which might apply to the Ottawa, would not suit other parts of the country. His principal object was to call the attention of the Government to the fact, that a great number of licenses had been moved for, which had not been laid on the table of the House, but which he hoped would be distributed before members came back, after the adjournment⁵⁰ in order that members might be thoroughly informed on the subject.⁵¹ It was absurd to suppose, as had been alleged by the member for Toronto, that there are fifteen millions acres of ungranted lands.⁵²

MR. ROSE said a few words to the same effect⁵³.

The subject was then dropped.⁵⁴

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The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General--Return to an Address from the Legislative Assembly to His Excellency the Governor General, dated the 4th October, 1852, for copies of any Instruments under the hand and seal of the Governor, Lieutenant Governor, or Person administering the Govern-

ment of the Province of Lower Canada, appointing Trustees for the erection of an Hospital for the reception of sick seamen and other indigent sick persons in the City of Quebec, under the authority of the 10 & 11 Geo. 4, cap. 23, making provision for the establishment of such an Hospital, and of all Instruments from time to time removing such Trustees, or any of them, and appointing others in their place, or in the place of any of them; also, copies of all appointments made of Managers of the Marine Hospital, or of Commissioners of the Emigrant Hospital, established at Quebec, with documents and information respecting the direction and management of such Institutions, or either of them, and of any Rules and Regulations for the internal government and economy, and maintenance of the same; and also, that His Excellency will be pleased to inform this House under what authority or law such appointment or nomination of Manager and Commissioner has been made, and such Rules and Regulations have been established.

For the said Return, see Appendix (Y.)

Return to an Address of the Legislative Assembly to His Excellency the Governor General, dated 20th September, 1852, for a copy of the Accounts rendered by the Quebec Turnpike Road Trustees from the date of their last Report to this date; also, copies of all documents and correspondence between the Executive and the said Trustees relative to the management of the said Roads, together with a copy of the minutes of their proceedings with reference to the execution of the works on the said Roads mentioned in the Act 12 Vic. cap. 115, and also those defined in the Act 14 & 15 Vic. cap. 132.

For the said Return, see Appendix (G.)

Ordered, That the Return relative to the Quebec Turnpike Roads, presented this day, be printed for the use of the Members of this House.

On motion of Mr. Sicotte, seconded by Mr. Paige,

Ordered, That the Select Committee on the Megantic Election Petitions, have leave to adjourn from its next sitting, to the sixteenth of February next, for deliberation on the merits of the contestation on that part upon which Evidence has been taken.

MR. INSP. GEN. HINCKS moved for leave to introduce a bill to regulate the currency. He stated that as it was a bill of very considerable importance, he had considered it to be necessary to send a copy to the Imperial authorities; and that was the reason why the bill had not been laid before the House at an earlier period of the Session. He had the satisfaction to state that he believed the Imperial authorities entirely approved of the measure.⁵⁵

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Ordered, That the Honorable Mr. Hincks have leave to bring in a Bill to regulate the Currency.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to amend the Law relating to Grammar Schools in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

On motion of the Honorable Mr. Merritt, seconded by the Honorable Mr. Viger,

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Resolved, That this House will immediately resolve itself into a Committee

to consider the following Resolutions relative to the construction of a Grand Trunk Line of Railway throughout the entire length of British North America:

1. That whereas the Imperial Government has proffered pecuniary aid for the construction of Railroads in British America, at different times, from the Despatch of Earl Grey, Her Majesty's Secretary for the Colonies, to His Excellency Lord Elgin, Governor General of British North America, of 1st April, 1847, to the Despatch of Sir John S. Pakington, of the 20th May, 1852, in which a hope is expressed that the Canadian Legislature will so modify their proposals as to meet the views of Her Majesty's Government, by adopting the Line for the Grand Trunk Railroad selected by Major Robinson:

2. That in conformity to the above suggestion, the Provincial Legislature have adopted the said Line, and will construct through Canada the best class of English Railroads, 5 feet 6 inches gauge, leading thereto: That they have already incorporated various Companies for the construction of 921 miles of the following Lines:

From <u>Detroit</u> to <u>Hamilton</u>	180 miles.
From <u>Hamilton</u> to <u>Toronto</u>	41
From <u>Toronto</u> to <u>Kingston</u>	168
From <u>Kingston</u> to <u>Montreal</u>	170
From <u>Montreal</u> to <u>Richmond</u>	72
From <u>Richmond</u> to <u>Quebec</u>	100
	731 Main Trunk Line.
<u>Suspension Bridge, Hamilton</u>	44
From <u>Lake Huron</u> to <u>Toronto</u>	92
From <u>Richmond</u> to the Province Line.....	54
	190 Branches.
Total to <u>Quebec</u>	921
From <u>Quebec</u> to <u>Neigette River</u>	191
From <u>Neigette River</u> to <u>Metapediac</u>	86
	277
	1198 in <u>Canada</u> .
From <u>Metapediac</u> to <u>Dalhousie</u>	30
From <u>Dalhousie</u> to <u>Bathurst</u>	48
From <u>Bathurst</u> to <u>Miramichi</u>	56
From <u>Miramichi</u> to <u>Shediac</u>	74
From <u>Shediac</u> to the Province Line between <u>New Brunswick</u> and <u>Nova Scotia</u>	26
	234 <u>New Brunswick</u> .
	124 <u>Nova Scotia</u> .
Grand Total.....	1556 miles.

3. That if the Line lying between the Trois Pistoles, and the Boundary of this Province, is not undertaken by this Company within one year, the same shall be opened for contract to any other Company; and in addition to the £3000 per mile, and one million of acres of land, already authorized for its construction, such additional number of acres of land lying in that part of the Country through which the Road passes shall be granted, as the Government, after a proper examination, may deem reasonable for ensuring the early construction of the Road:

4. That the completion of this part of the Road will open one continuous Line from Halifax to Galena on the Mississippi, of about 2,500 miles in length,

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and with the aid of the natural outlets of the interior Lakes, will secure a fair share of the commercial intercourse with the Western States, for which this Province will incur, in addition to her present Debt of near £5,000,000 Currency, a further liability for the construction of 1200 miles of this Road, of £3,600,000 Currency:

5. That in addition to the advantages conferred on the Empire at large, by the encouragement of Emigration, providing a Military Road, and the facilities offered in the intercourse between this Province and the Mother Country, so often referred to in the different Despatches alluded to from the Imperial Government, this Road can be constructed without any expense to Her Majesty's subjects, either in Great Britain or in Canada, by providing a Sinking Fund, based on the difference in the value of Imperial and Provincial Credit:

6. That the efforts made by this Province in attaining this great National object should be represented to the Imperial Government, and an application made for the loan of £4,000,000, for 20 years, at the lowest rate of interest at which it can be negotiated, for the purpose of constructing this Grand Trunk Line, and for the punctual payment of which the entire revenue of Canals will be pledged:

7. That the amount so borrowed shall be invested, from time to time, by the Inspector General, in Provincial or local Securities of this Province, issued, either for the construction of this Road, or any other improvement, at the current rate of interest within this Province; and that in order to secure the Imperial Treasury, and the Revenues of this Province against loss in the construction of any part of said Road, a Sinking Fund shall be created, to consist of the full amount of Interest received from the different Railroad Companies to whom Provincial Debentures have been issued, and the difference in exchange on the Imperial Loan: the proceeds of which shall be inviolably appropriated, 1st. to pay the Interest due the Imperial Government on the amount of Loan; 2nd. to indemnify the Province against any loss which may accrue in the construction of any part of the Grand Trunk Line; and 3rd. the remainder, if any, to be set apart to redeem the Principal of the Provincial Debt, borrowed in aid of the construction of the said Road or any other improvement:

8. That the formation of this Sinking Fund is the more important, inasmuch as the Government of the State of New York have provided a Sinking Fund to liquidate the whole amount of their Public Debt in a few years, after which the Tolls on their Canals may be removed, making it, therefore, the interest of this Province to create a similar provision to pay off the additional Debt incurred for this Road, in order that our communications may at all times be in a position, without any additional public charge thereon, fairly to compete with our most formidable rival for the Western Trade.

9. That an humble Address to Her Majesty be based on the foregoing Resolutions.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Crawford reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again, this day.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to amend the Act incorporating Bishop's College:"

Bill, intituled, "An Act to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College:"

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Bill, intituled, "An Act for the granting of certain Lots in the Town of Bytown, to the Bytown and Prescott Railway Company:"

Bill, intituled, "An Act to amend the Act incorporating the Toronto and Guelph Railway Company:"

Bill, intituled, "An Act to extend the provisions of the eighteenth Section of 'The Railway Clauses Consolidation Act' to the Act incorporating the Peterborough and Port Hope Railway Company:"

Bill, intituled, "An Act to incorporate the Cobourg and Peterborough Railway Company:"

Bill, intituled, "An Act to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations:"

Bill, intituled, "An Act to give effect to certain proceedings under the Act, intituled, 'An Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during the Rebellions in the years one thousand eight hundred and thirty seven, and one thousand eight hundred and thirty eight:"

Bill, intituled, "An Act to authorize the City of Montreal to raise a Loan to Consolidate their debt:" And also,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

Ordered, That Mr. McDougall have leave to bring in a Bill to repeal the Act 14 & 15 Vic. cap. 28, and to transfer the place for holding the meetings of the Municipal Council of the Municipality Number two, of the County of Drummond, from the Village of Stanfold to the Village of St. Christophe d'Arthabaska, in the same Municipality.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to facilitate the performance of the duties of Justices of the Peace and of Sessions in Upper Canada, with respect to persons charged with indictable offences.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to facilitate the performance of the duties of Justices of the Peace out of Sessions in Upper Canada, with respect to summary convictions and orders.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Ordered, That the Honorable Mr. Attorney General Richards have leave to bring in a Bill to protect Justices of the Peace in Upper Canada from vexatious actions.

He accordingly presented the said Bill to the House, and the same was re-

ceived and read for the first time; and ordered to be read a second time on the fifteenth of February next.

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Ordered, That Mr. Christie of Gaspé have leave to bring in a Bill to extend to Lower Canada the Limited Partnerships Act of Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

Sir Allan N. MacNab, from the Standing Committee on Railroads, Canals, and Telegraph Lines, presented to the House the Ninth Report of the said Committee; which was read, as followeth:--

Your Committee have taken into their consideration the Bill to amend and extend the Act incorporating a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada, referred to them, and have agreed to report the same without any amendment, to the favorable consideration of Your Honorable House.

Ordered, That the Bill to amend and extend the Act incorporating a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada, be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Badgley do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, that Louis Lacoste and Edward Short, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

MR. LEMIEUX reported that in consequence of the continued absence of two of the members, Messrs. Lacoste and Short, of the Kamouraska election Committee, it was impossible to proceed with business. An order had been already issued for their arrest, and the return of the Sergeant-at-Arms was, that they could not be found. He feared that the Committee must break up as they could not ask the House to adjourn, not having the power to meet for deliberation.⁵⁶

MR. J.S. MACDONALD the SPEAKER called the attention of the House to the Report of the Committee, and said that some action on the part of the House became necessary, if it were desired to prevent the Committee from being broken up.⁵⁷

MR. AT. GEN. DRUMMOND said that with reference to Mr. Short, he had to state that that gentleman had not withdrawn wantonly, or from any neglect of his duty. Indeed he had an affidavit in his possession to the effect, that Mr. Short had been compelled to withdraw by sickness. He urged that these members would not be exposed, as that would have the effect of breaking up the Committee. He conceived that they might go on under the existing law.⁵⁸

MR. MALLOCH said that it was impossible for the Committee to go on. The law was peremptory, and they must break up. He suggested that it would perhaps be as well to introduce a short act.⁵⁹

MR. AT. GEN. DRUMMOND intimated that he would like that course, if there were any doubt as to the power of the Committee to go on.⁶⁰

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On motion of the Honorable Mr. Robinson, seconded by Mr. Crawford,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, a List of Claimants for damages alleged to have been caused to the property of individuals by the construction of the Beauharnois Canal, as also, copies of all Reports of the Commissioners of Public Works, Engineers, or others employed to investigate and report on such claims, and a Statement shewing the names of Claimants who have been paid, and by what authority such payments were made.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned;" and the same were read, as follow:--

Page 2, line 25. After "suits" insert Clauses (A.) (B.) (C.) (D.) (E.) (F.) (G.) and (H.)

Clause (A.) "And be it enacted, that the said Corporation shall make Regulations for ensuring that all Burials within the said Cemetery are conducted in a decent and solemn manner."

Clause (B.) "And be it enacted, that no body shall be buried in any Vault under any Chapel or other Building in the said Cemetery, or within fifteen feet of the outer wall of any such Chapel or Building."

Clause (C.) "And be it enacted, that every part of the said Cemetery shall

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be enclosed by walls or other sufficient fences or railings of the height of eight feet at least."

Clause (D.) "And be it enacted, that the said Corporation shall keep the said Cemetery and the buildings and fences thereof in complete repair and in good order and condition, out of the monies to be received by them in virtue of this Act."

Clause (E.) "And be it enacted, that the said Corporation shall make all proper and necessary Sewers and Drains in and about the said Cemetery, for draining it and keeping it dry; and they may from time to time, as occasion requires, cause any such Sewer or Drain to open into any existing Sewer, with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the lands through which such opening is made, doing as little damage as possible to the road or ground wherein such Sewer or Drain may be made, and restoring it to the same or as good condition as it was in before being disturbed."

Clause (F.) "And be it enacted, that if the said Corporation at any time cause or suffer to be brought or to flow into any river, spring, well, stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the said Cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of Twelve pounds ten shillings, currency."

Clause (G.) "And be it enacted, that the said penalty, with full costs of suit, may be recovered by any person having a right to use the water fouled by such offensive matter, by a civil action in any Court of competent jurisdiction: Provided always, that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased."

Clause (H.) "And be it enacted, that in addition to the said penalty of Twelve pounds ten shillings (and whether the same be recovered or not,) any person having right to use the water fouled by such offensive matter, may sue the said Corporation in a civil action in any Court of competent jurisdiction, for any damage specially sustained by him by reason of the water

being so fouled; or if no special damage be alleged, for the sum of Two pounds ten shillings for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the said Corporation by such person."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Badgley do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

Ordered, That the Honorable Mr. Attorney General Drummond have leave to bring in a Bill to make more effectual provision for enforcing the legal rights of the Crown in regard of Public Works.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time To-morrow.

On motion of Mr. Stevenson, seconded by Mr. McDougall,

Ordered, That the Fifth Report of the Standing Committee on Printing, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Lyon reported, That the Committee had come to a Resolution; which was read, as followeth:--

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Resolved, That this House doth concur with the Standing Committee on Printing in their Fifth Report.

The said Resolution, being read a second time, was agreed to.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the several Acts incorporating the Company of Proprietors of the Champlain and St. Lawrence Railroad, and for other purposes," with several Amendments, to which they desire the concurrence of this House.

And then he withdrew.

The Honorable Mr. Badgley, from the Joint Committee appointed by the Legislative Council and Legislative Assembly, for the regulation and management of the Parliamentary Library, presented to the House the First Report of the said Committee; which was read, as followeth:--

Having received from G.B. Faribault, Esquire, the Agent deputed by the two Houses of the Legislature, at the last Session, to proceed to Europe for the purchase of Books for the Library, a detailed Report of his mission, the Committee desire to record their satisfaction at the manner in which Mr. Faribault has discharged the trust confided to him; notwithstanding the painful interruption to his labors, occasioned by domestic bereavement, and his own ill-health. The zeal and assiduity displayed by Mr. Faribault, and also by Mr. Wicksteed, Law Clerk to the Legislative Assembly, who assisted the object of the mission whilst in London, in obtaining from the Public Departments, both of France and England, valuable Donations of Works published under the direction of the respective Governments, is deserving of honorable mention. Further particulars in reference to these Donations, and to the labors of Messieurs Faribault and Wicksteed, generally, will be found in the

Report and Memorandum annexed: and, adverting to which, the Committee take the first opportunity afforded them to express their high sense of the liberality displayed by the Governments of France and England, in enriching the Library of Canada with a series of publications, of a costly and valuable character. They would also desire to express to the Gentlemen in Paris and London, who, with equal kindness and success, furthered by every possible means, the applications of our agents to their respective Governments, and thankful acknowledgment of the kindly interest displayed by them on behalf of the Library. Feeling assured that these sentiments will be fully responded to by the House, they have prepared formal Resolutions expressive of the same, which, upon receiving the sanction of the House, should, it is suggested, be enclosed to the Gentlemen in question, by the Honorable The Speaker.

The Committee have also received from Mr. Faribault, full statements of Accounts, with Vouchers, in respect to the expenditure of the monies entrusted to him, both for the purchase of Books and Manuscript documents, and to defray his personal expenses. These Accounts have been laid before the Committee too short a time to permit of their full investigation, but so far as they have been yet examined, the Committee are bound to express their approval of the very judicious and economical expenditure of the funds placed in his hands, which has been made by Mr. Faribault, as well as for his endeavors to secure a proper Agency for the purchase of Books in Europe, hereafter.

In addition to the Donations above mentioned, the Librarians have received various gifts, from private gentlemen, and official personages, which will be found enumerated in the accompanying List of the Donations to the Library since last Session. Provision has been made for the due acknowledgment of these, in the formal Resolutions of thanks herewith submitted:--

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1. Resolved, That this House receives with much satisfaction, the intelligence of the munificent Donations which have been made in aid of the reconstruction of the Library of Parliament, by the undermentioned Heads of Departments of State in France, viz:--M. le Ministre de l'Instruction Publique; M. le Ministre de l'Intérieur, (Département des Beaux-Arts); M. le Président et M. le Secrétaire perpétuel de l'Académie Française; Monseigneur le Prince Président du Corps Législatif; M. le Ministre de la Guerre; M. le Ministre de la Marine et des Colonies; and by the Right Honorable Sir John S. Pakington, Her Majesty's Secretary of State for the Colonies; by the Right Honorable The Speaker, and by The Clerk of the House of Lords; by the Right Honorable The Speaker of the House of Commons; by Admiral Sir Francis Beaufort; by the Royal Commissioners for superintending the Exhibition of 1851; by the New York State Agricultural Society; and by the Smithsonian Institution at Washington.

2. Resolved, That this House desires, furthermore, to record its thankful appreciation of the liberality of the undermentioned Gentlemen, in contributing Donations of Books to the Library, viz: Of Assistant Commissary General Carpenter; of the Honorable Jean Chabot, M.P.P.; of the Honorable W.B. Robinson, M.P.P.; of Doctor Fortier, M.P.P.; of the Trustees of the Manchester Free Library; of M. Adolphe de Puibusque; of Thomas Vardon, Esquire, Librarian to the House of Commons; of Colonel Bruce, Secretary to His Excellency the Governor General; of E.E. O'Callaghan, Esquire, M.D. of Albany; and of William McDougall, Esquire, Proprietor of the Canadian Agriculturalist.

3. Resolved, That the thanks of this House are due, and are hereby given to the undermentioned Gentlemen, for their courteous and valuable assistance to the Agents of this House in their applications to the Departments of State in England and France, on behalf of the Library, viz.: J.S. Lefevre, Esquire, Clerk of the House of Lords; Thomas Vardon, Esquire, Librarian of the House of Commons; — Meyer, Esquire, Librarian to the Colonial Office; Robert Lemon,

Esquire, Chief Clerk of the State Paper Office; and Adolphe de Puibusque, Esquire, of Paris.

Mr. Faribault's Report.

To the Honorable the Speakers of both Houses of the Legislature, and to the Honorable the Members of the Joint Committee for the management and direction of the Library:--

The mission with which I had been honored by the Resolutions of both Branches of the Legislature having been accomplished, a sense of duty demanded that I should have prepared a detailed Report of my proceedings in time to have submitted the same to the consideration of Your Honorable Committee, at the opening of the present Session; but a state of constant suffering, caused by severe illness, rendered impossible the performance of such a duty, and, even at this moment, it is not without the greatest effort that I can draw up the present Report, which, of necessity, will be as brief as possible.

Having provided myself with the instructions laid down by the Committee of the preceding Session, I left Quebec on the third of October of last year; and, after a short stay in New York, arrived in London, on the twentieth of the same month. My first care on my arrival there, was to visit the most respectable Booksellers, to ascertain their terms as well as the means they had of supplying me, at a reasonable rate, with the Works I required. From an experience of fifteen years, I was acquainted with the Firm of Messieurs Rich Brothers; of the reputation of integrity, and honorable conduct, which had always distinguished them, I was perfectly aware; besides, having ascertained that their conditions and prices were infinitely more reasonable than those of the other Booksellers, I determined to accept their offers, namely, that they should be allowed a Commission of five per cent, for cash, on the

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price of purchase of the Books procured by them. I have the satisfaction of being able to state to the Committee, that these Gentlemen most scrupulously fulfilled their engagements, as will be plainly seen on reference to their invoices, in which they give credit for reductions, sometimes to a considerable amount, obtained by them on their purchases from other Booksellers. Thus, for example, Valpy's splendid Edition of the Classics, in one hundred and fifty-nine volumes, the selling price of which is from £100 to £120, is charged in their invoices at the incredibly low price of £27. The same thing occurs with regard to the binding which these Gentlemen have had done for the Library. The Messieurs Whittaker & Co., of London, have recently been paid an Account, in which they charge ten shillings per volume, for half-binding about one hundred in folio volumes, whilst the Messieurs Rich charge but four shillings and six pence per volume, for work of the same kind. I cannot, therefore, hesitate in recommending that henceforth the Messieurs Rich be exclusively entrusted with all further purchases to be made in England.

After having left with these Gentlemen such instructions as they required, I deemed it advisable to visit the Government Offices, in the hope of receiving Donations; but the Session of the Imperial Parliament being closed, I became convinced that, in the absence of the Officers of the different Public Departments, it was quite impossible that I should present myself there with any chance of success. I nevertheless presented myself at the Board of Admiralty, where, after I had explained the mission with which I was charged, I was most graciously and kindly received by Admiral Sir Francis Beaufort, who gave orders that a complete series of the Maps and Plans relating to Captain Bayfield's explorations on the Lakes, and the River St. Lawrence, should be placed at my

disposal. This beautiful collection, much more complete than any to be found for sale in the Geographical Book Stores, may be looked upon as a very precious Donation to the Library.

My presence not being further required in London, at least for some time, I started for Paris, and, on the tenth of November, arrived there. I lost no time in calling on Mr. Adolphe de Puibusque, so advantageously known during his stay in Canada, from 1848 to 1850. The intimate acquaintance I had had the opportunity of forming with this distinguished man of letters, the feelings of affection which I knew him to entertain for Canada, and his ardent desire to see the Legislative Library re-established, were to me as many reasons of assurance that he would lend me his most strenuous support. In this I was not mistaken. Mr. de Puibusque gave me the benefit of his advice in the choice of Books; pointed out the steps to be taken to obtain admission to the Ministerial Departments, and exerted himself to the utmost with reference to the manuscripts relating to the History of Canada. In a word, he facilitated, in every possible way, the success of my mission; and I here beg to tender to this friend of our Country, my most fervent acknowledgments of gratitude.

I was on the eve of beginning my purchases, when the Events of the 2d of December occurred in Paris. This circumstance had the effect of suspending my operations, and especially of retarding for a considerable time the answers to the requests I had made to the different Ministerial Departments. But other circumstances occurred which placed me in a position of the greatest trouble, by subjecting me to the most severe affliction that could have befallen me. My family had accompanied me to Europe, and about the period in question, my wife became seriously ill. Having on the one hand my solicitude and the care I owed to my wife, and on the other, the obligation I had of attending to the interests confided to me in my mission, I was at last obliged to confide my task to a confidential person whom Mr. de Puibusque had procured to aid me. The progress of the malady which had already lasted several months, soon gave presage of a fatal termination; and about the middle of March, my wife died. Quite overcome by such a misfortune, and suffering moreover as I was, from an

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illness of several weeks duration, I was a long time unable to take part in the transaction of any business. It was about this time that I received a Letter from the Honorable The Speaker of the Legislative Council, who, having heard of my misfortune, was kind enough to inform me that Mr. Wicksteed, then in London, would shortly arrive in Paris, and give me every assistance in his power. Fortunately, at this time, the purchases I had ordered, were all completed. Mr. Wicksteed was nevertheless of the greatest service to me from the steps taken by him in London, where he obtained several Donations of great value, amongst which is the collection entitled "Public Records."

As soon as my health allowed me to leave the house, I presented myself at the respective Departments of the Minister at War, the Minister of Public Instruction, the Minister of Marine, and the Minister of the Colonies; and also called on the Secretaries of the several Academies. I experienced the most kindly reception at the hands of all the Ministerial Departments, and from every one; all did their best to promote the object of my mission. Most generous and valuable Donations, well worthy of France, were made to me for the Library, although part of the Works comprised in these Donations had already been presented to the Library in 1849. At this moment, it is quite impossible for me to give a detailed exposition of the richness and importance of these Donations; but I can say, that their value may be estimated at not less than £400 sterling. I must not, moreover, omit to state that henceforth, all new publications of the several Ministerial Departments, will be sent to Canada for the Library, as an order to that effect has been entered in the Register

of each Department.

I endeavored as much as possible to conform to the instructions given me by the Committee, both as regards the choice of the best editions, and the quality of the binding. As to the prices, I respectfully refer the Committee to the two manuscripts detailing the purchases made by me from day to day. The prices paid for purchases made in Paris, shew the immense reductions obtained on a great many Works, as a number of Works, including the binding, were purchased at prices much lower than those at which they were estimated on the list, which in many cases did not include the cost of binding.

As I have already had the honor of submitting to the Committee a statement of the manner in which the monies entrusted to me were expended, I shall not make further mention of them, except to state that, after payment of all purchases, there still remains at the disposal of the Committee, for further use, in the hands of the Bankers in London, a sum of £479 9s. 6d. sterling.

I have found it impossible to keep a detailed account of my personal expenses: I estimate them at £450 currency; but I will respectfully submit to any determination the Committee may think proper to come to.

The whole respectfully submitted.

G.B. Faribault.

Quebec, 5th November, 1852.

Statement of Monies expended by Mr. Faribault, during his Mission to Europe.

By a vote of the Legislative Assembly during the last Session, an appropriation was made towards the purchase of a collection of Books for the Parliamentary Library, to the amount of.....£4000 0 0
 And, on an Address of the Legislative Assembly to His Excellency the Governor General, an advance was made by the Executive Government for the purpose of procuring Manuscript Documents on the early History of Canada, to the amount of..... 400 0 0
 Currency, £4400 0 0

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Under the authority of two Letters of Credit from the Receiver General, Mr. Faribault was authorized to draw from time to time, in London:--

1st. On Messieurs Glyn, Mills, & Company, forSterling, £1792 0 0
 2nd. On Messieurs Baring Brothers & Company, for a like sum, 1792 0 0

Total, £3584 0 0

which, at the rate of Exchange, is equal to £4,400, Currency.

After deducting from this amount, the sum set apart for procuring the Manuscript Documents, £400 Currency, equal to..... 326 0 0

There remained for the purchase of Books,.....Sterling, £3258 0 0

The amount which Mr. Faribault has expended in the purchase of

English Books, as appears by the several Invoices

produced, is.....£845 16 4

And since paid to Messieurs Whittaker & Co...... 164 1 8

£1009 18 0

And the amount expended in the purchase of French

Books, as far as can be ascertained for the present,

(no Invoice having yet been received for the five

cases received last week,) will in all probability not

exceed 1300 0 0

2309 18 0

Leaving an unexpended balance, ofSterling, £948 2 0
 The English List or Catalogue of Books required to be purchased,
 has been filled up, or nearly so. But owing to the painful
 circumstances in which Mr. Faribault was placed while in Paris
 last winter, he then found it impossible to complete several
 of the classes or portions of classes appertaining to the List
 of French Books, as recommended by the Library Committee of
 Last Session: these classes or portions of classes, are as
 follow, together with their estimated value, which may vary
 in amount according to the greater or lesser quantity of
 binding:--

Theology, Religion, Biography, and Canon Law..	1,325 francs.
Natural Philosophy.....	624
Natural Sciences.....	5,610
Military Art.....	958
Fine Arts.....	2,500
History.....	705

11,722 francs. = 468 12 6

Which would leave at the disposal of the Library Committee for
 future purchases, a balance of.....Sterling, £479 9 6

Manuscript Documents.

The sum set apart for these documents is.....Sterling, £326 0 0
 A selection has been made, and they are now being copied at Paris,
 under a contract in writing; they will comprize 6,000 pages,
 forming 14 volumes of about 450 pages each, folio, which, at
 9d. per page, will cost..... 200 0 0

Balance, Sterling £126 0 0

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It is proposed to employ a certain proportion of this balance, in
 procuring from Paris, copies of ancient Plans and Charts relative to the
 early events of Canada, and to employ, for this purpose, the services of
 Mr. C.P. Morin, an eminent draughtsman, who proposes to visit France in
 the course of this autumn, on a visit to his family.

Quebec, 22nd October, 1852.

G.B. Faribault.

Dr. The Legislative Council and Legislative Assembly in Account Current with
G.B. Faribault. Cr.

		Sterling.		Currency.	
Dr.		£	s. d.	£	s. d.
1852.	Purchases and Disbursements in <u>London</u> :--				
June 17 ..	Paid Messieurs <u>Rich Brothers</u> , for a pair of Globes.....	40	0 0		
	Paid Mr. <u>G.W. Wicksteed</u> , for his assistance in procuring Donations from the Public Departments in <u>London</u>	30	0 0		
1851-52.	Purchases and Disbursements, &c., in <u>Paris</u> :--				
	Paid purchase of Books on <u>America</u> , &c.	33	1 4		
	Paid <u>Berrier</u> , for binding.....	6	2 6		
	Paid for a lot of Engravings of <u>Wolfe</u> , <u>Mont-</u> <u>calm</u> , &c.	4	8 0		

		Sterling.		Currency.	
		£	s. d.	£	s. d.
	Paid 100 Lithograph Engravings of <u>Cartier's</u> <u>House at St. Malo</u>	1	12 6		
	Paid 3 Medals in Silver and Bronze, of the <u>Siege of Quebec, in 1690</u>	2	7 6		
May	.. Paid Freight of 17 cases of Books, from <u>Havre to London, and to Quebec</u>	25	10 0		
	Paid Mr. <u>Vanné</u> , for copying sundry documents for the <u>French Authorities</u>	3	17 6		
	Paid <u>Douceurs</u> to several <u>Employés</u> in Public <u>Departments</u>	1	7 6		
	Paid Postages and Expenses on small parcels, on corresponding with <u>Quebec, London,</u> <u>Paris, &c.</u>	8	17 9		
	Paid Duty on a skin of Porpoise Leather, presented to the <u>Institut</u>	0	19 0		
	Paid personal expenses during nine months absence in Europe, residence in <u>London</u> and <u>Paris</u> , and including all travelling and incidental expenses of his mission.....	360	0 0		
	£	518	3 7		
	Equal, at the rate of Exchange of 12½ per cent., to.....			649	14 6
1851.	Purchases and Disbursements in <u>Quebec</u> :--				
September 3	.. Paid Messieurs <u>Tétu</u> , for a skin of Porpoise Leather.....			2	2 0
	Paid cartage of Books in Seminary vaults, for safe keeping..			0	7 6
do 30	.. Paid Heirs of the late <u>J. Neilson</u> , for 30 volumes " <u>Rélations</u> <u>des Jesuites</u> ."			25	0 0
1852.					
July	.. Paid Mr. <u>G. Stanley</u> , his account for Books.....			6	11 6
August 3	.. Paid Mr. <u>C.J. Fletcher</u> , his account for Books.....			5	0 0
do 15	.. Paid Mrs. <u>J.C. Fisher</u> , for a set of Views of <u>Quebec</u> in 1759.			10	0 0
	Paid to <u>P. Lavoilette</u> , for 8 volumes " <u>Quebec Gazette</u> ".....			6	0 0
	To Balance due by <u>G.B. Faribault</u>			9	3 9
	Currency.....£			711	19 3
1851.	Cr.				
September.....	By amount received from <u>J.F. Taylor</u> , Clerk of the Legisla- tive Council, from Contingent Fund.....			200	0 0
do	By amount received from <u>W.B. Lindsay</u> , Clerk of the Legisla- tive Assembly, from ditto.....			200	0 0
do	By Amount received from ditto, being a balance remaining in the hands of the two Speakers, from a former grant in aid of the Library.....			311	19 3
	Currency.....£			711	19 3

Quebec, 22nd October, 1852.

G.B. Faribault.

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Memorandum of Mr. Wicksteed:--From all the Authorities in England I received the greatest attention,

with regard to my application for official documents and papers published by the Government. To Mr. Lefevre, the Clerk of the House of Lords,--Mr. Vardon, the Librarian of the House of Commons,--Mr. Meyer, the Librarian of the Colonial Office,--and Mr. Lemon, the Chief Clerk of the State Paper Office, my thanks are especially due. Copies of all the Works published by order of the Government were immediately granted on my application. It is true these (apart from the Sessional Papers of the two Houses of Parliament,) amounted then only to about 60 volumes; but in comparing the amount and value of the Donations from the English Government with those from the French Government, it must always be borne in mind, that the kind of Works which, in France, are published by the Ministers of the several Departments, are, in England, laid before Parliament by the Ministers, and published by order of one or other of the Houses. The Government, as such, publishes little or nothing, except (as in case of the Record Commissioners) when some Commission is issued by the Crown, at the request of the Legislature, for the express purpose of collecting and publishing certain documents. The Sessional Papers must therefore be taken into account in comparing the Donations received from the two Governments; and when this is done, the advantage will, I believe, be found to lie with the British Government, both as regards the number and the value of the Works presented to our Library.

G.W. Wicksteed.

List of official Personages, and Private individuals, from whom Donations of Books to the Library of Parliament, have been received since last Session:--

Reported by Mr. Faribault:* (From France.)

- M. le Ministre de l'Instruction Publique, 100 volumes.
- M. le Ministre de l'Intérieur, (Département des Beaux-Arts) 80 volumes.
- M. le Président et M. le Secrétaire perpétuel de l'Académie Française, 95 volumes.
- Monseigneur le Prince Président du Corps Législatif, 295 volumes.
- M. le Ministre de la Guerre, 14 Volumes.
- M. le Ministre de la Marine et des Colonies, 92 volumes.
- M. Adolphe de Puibusque, 2 works.

(From England.)

Admiral Sir Francis Beaufort, complete set, Charts and Plans of Gulf and River St. Lawrence &c.; and other Publications of the Board of Admiralty.

Reported by Mr. Wicksteed: (From England.)

The Right Honorable Sir John S. Pakington, Secretary for the Colonies:--The works of the Record Commission; Colonial Regulations; Notes on Public Departments; (Series of State Papers,--not yet received). In all about 60 volumes.

The Speaker of the House of Lords, and the Clerk of the House of Lords:--A set of Parliamentary Papers of that House,--not yet received.

The Speaker of the House of Commons:--Continuations of Parliamentary Papers, previously sent. About 210 volumes.

Thomas Vardon, Esquire, Librarian to the House of Commons:--A copy of a General Index to the first 17 volumes of Commons' Journals, compiled by himself and Mr. May.

*Complete Lists of these Books are given in the Library Catalogue, distributed to Members during the present Session.

Mr. Wicksteed further states, that he was much indebted to----Meyer, Esquire, of the Colonial Office, and Robert Lemon, Esquire, of the State Paper Office, for valuable assistance in procuring the above mentioned Donations.

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Donations received by the Librarians, since the last Report; and not yet officially acknowledged:--

From Assistant Commissary General Carpenter:--

First Report of Commissioners for conducting the Great Exhibition; 1 volume.

From New York State Agricultural Society:--

Transactions of the Society, for the years 1842 to 1847 and 1849; 8 volumes.

Transactions of the American Institute, for the years 1848 and 1849; 2 volumes.

Norton's Elements of Scientific Agriculture; 1 volume.

From William McDougall, Esquire, Proprietor:--

Canadian Agriculturalist, for the years 1849 to 1852; 4 volumes.

From the Honorable Jean Chabot, M.P.P.:--

Municipal and Agricultural Acts of Lower Canada; in French and English; 4 copies.

From the Manchester Free Library, through Mr. Henry Stevens:--

Catalogue of the Chetham Library, Manchester; 3 volumes.

From the Honorable W.B. Robinson, M.P.P.:--

System of Public Instruction in the State of Michigan; 1 volume.

Robinson's Canada, and the Canada Bill; a Pamphlet.

From the Royal Commissioners, through the Governor's Secretary:--

Prospectuses of Exhibitors at the Great Exhibition; 16 volumes, 8vo.

From the Secretary to the Governor General:--

Account of the Boston Railroad Jubilee, in 1851; 6 copies.

From the British Government, through the Governor General:--

Sabine's Magnetical and Meteorological Observations at the Cape of Good Hope and Hobarton; 2 volumes.

From Doctor O'Callaghan:--

Acts of the Legislature of Louisiana, passed in 1852; 1 volume.

From Doctor Fortier, M.P.P.:--

Todd's Parliamentary Practice; 1 volume.

From the Smithsonian Institution, Washington:--

Volumes 1 to 4 of the Smithsonian Contributions to Knowledge.

And the said Report, and Resolutions, being read a second time;

Resolved, That this House doth concur with the Committee in the said Report, and Resolutions.

Ordered, That the said Report be printed for the use of the Members of this House.

Ordered, That Mr. Cauchon have leave to bring in a Bill to incorporate the Society for the erection of an Hotel in the City of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time Tomorrow.

Ordered, That Mr. LeBlanc have leave to bring in a Bill to abolish the Registry Office established at the Village of Durham, in the County of Beauharnois, and to establish two Registry Offices, one at the Village of Beau-

harnois, and the other at the Village of Huntingdon, in the said County.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

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Ordered, That Mr. Street have leave to bring in a Bill to repeal parts of the Acts 12 Vic. cap. 78, and 14 & 15 Vic. cap. 5, so far as the same relate to the County of Welland, and to provide for the selection of a suitable place for a County Town in the United Counties of Lincoln and Welland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fifteenth of February next.

On motion of Mr. Lyon, seconded by Mr. Langton,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the Surveyor of the Crown Timber Office at Bytown, or other proper Officer, to lay before this House, a description of each Timber-berth or limit heretofore licensed by him to any person or persons on the Ottawa River and its tributaries, and the tributaries of such Rivers as flow into the Ottawa, setting forth every such description by metes and bounds as described on the license granting every such Timber-berth or limit; and the name of the party or parties to whom each of such Timber-berth or limit has been granted; also, the amount of the annual ground rent paid or payable on each such limit; also, the description and quantity of Timber made this last season on each of such limits or Timber-berths.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Brown have leave to bring in a Bill to incorporate Ecclesiastical Bodies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the twenty-eighth of February next.

On motion of the Honorable Mr. Macdonald, seconded by Sir Allan N. MacNab,

Ordered, That the 64th and 66th Rules of this House be suspended, in so far as they relate to the Incorporation of a Company for the construction of a Railway between Kingston and Peterborough.

The Order of the day for the second reading of the Bill to provide for the removal of the Registry Office of the County of Missisquoi from the place where it is now kept to a more central position, being read;

Mr. Paige moved, seconded by Mr. McDonald of Cornwall, and the Question being put, That the Bill be now read a second time; the House divided:--And it was resolved in the Affirmative.

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Paige do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill from the Legislative Council, intituled, "An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's

Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company;" and after some time spent therein, Mr. Speaker

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resumed the Chair; and Mr. McDonald of Cornwall reported, That the Committee had gone through the Bill, and made Amendments thereunto.

Ordered, That the Report be now received.

Mr. McDonald of Cornwall reported the Bill accordingly; and the Amendments were read, as follow:--

Page 2, line 12. After "Docks" insert "as authorized by the original Act of incorporation of the said Company; and further provided that all and every the rights and privileges specially reserved to the Crown, under the nineteenth, twentieth and twenty-first Sections of the said last recited Act shall remain in force."

Page 2. After the last Clause, insert Clauses (A.) and (B.)

Clause (A.) "And be it enacted, that it shall and may be lawful to and for any such purchaser or purchasers, his or their heirs or assigns, from time to time, to lease and to farm let the whole or any part of the lands, tenements, hereditaments and premises of the said Niagara Harbour and Dock Company, for such period or periods as he or they may choose, reserving such rent or rents as may from time to time be agreed to be paid by the lessee or lessees thereof, with power to such purchaser or purchasers, his or their heirs or assigns, from time to time, to distrain for arrears of rent due the Company or accruing upon any such lease or leases hereafter to be executed."

Clause (B.) "And be it enacted, that nothing in this Act contained shall be construed to interfere with or annul any existing legal rights of any Creditor or other person or persons having claims against the said Company, or of any person or persons to whom any such rights may have been transferred."

Mr. Street moved, seconded by Mr. Morrison, and the Question being proposed, That the said Amendments be now read a second time;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Hartman, That the word "now" be left out, and the words "on the fourteenth of February next" added at the end thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Hartman, Mackenzie, Mongenais, and Poulin.--(4.)

NAYS.

Messieurs Badgley, Brown, Burnham, Cameron, Cartier, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Dixon, Fergusson, Fortier, Fournier, Gamble, Gouin, Hincks, Langton, LaTerrière, Laurin, LeBlanc, Lyon, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. MacNab, Malloch, Marchildon, McDougall, Morin, Morrison, Patrick, Prince, Attorney General Richards, Ridout, Robinson, Rose, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Tessier, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(47.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the said Amendments be now read a second time.

And the said Amendments, being read a second time, were agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill, with the Amendments, do pass.

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Ordered, That Mr. Street do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same, with several Amendments, to which they desire their concurrence.

The Honorable Mr. Badgley, from the Standing Committee on Miscellaneous Private Bills, presented to the House the Fifteenth Report of the said Committee; which was read, as followeth:--

Your Committee have examined the Bill to incorporate the Pickering Harbour and Road Joint Stock Company, and the Bill to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water; and have made certain amendments to each of the said Bills, which they respectfully submit for the consideration of Your Honorable House.

Ordered, That the Bill to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Tessier reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Tessier reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Sir Allan N. MacNab do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That the Bill to incorporate the Pickering Harbour and Road Joint Stock Company, as reported from the Standing Committee on Miscellaneous Private Bills, be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Christie of Gaspé reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The Order of the day for the second reading of the Bill to amend the Act for better securing the Independence of the Legislative Assembly of this Province, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to provide a uniform mode of incorporating Societies formed for Charitable and Educational purposes, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to separate the Townships of Upton and Acton from the County of Drummond, and to annex the said Townships to the County of St. Hyacinthe, in the District of Montreal, for Judicial and Municipal purposes, being read;

Ordered, That the Bill be read a second time on the sixteenth of February next.

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The Order of the day for the second reading of the Bill to increase the Terms of the Circuit Court in the Circuit of St. Hyacinthe, in the District of Montreal, being read;

Ordered, That the Bill be read a second time on the sixteenth of February next.

The Order of the day for the second reading of the Bill to limit and define the responsibilities of Executors, Administrators, Trustees and Guardians in certain cases, and to facilitate the settlement of their Accounts with the Estates of deceased persons, and for other purposes therein mentioned, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to incorporate the Ecclesiastical Society of St. Michel, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to facilitate the redemption of Seigniorial Rights in Lower Canada, and to convert the Tenure of Lands chargeable therewith into that of franc aleu roturier, and to define the rights of Seigniors and Censitaires, and prevent abuses, being read;

Ordered, That the Bill be read a second time on the first of March next.

The Order of the day for the House in Committee to take into consideration certain Resolutions on the subject of the Constitution of the Legislative Council of this Province, being read;

Ordered, That the said Order of the day be postponed until the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend certain Acts for the relief of Religious Societies, being read;

Ordered, That the Bill be read a second time on the twenty-first of February next.

The Order of the day for the second reading of the Bill to repeal the Act 7 Will. 4, cap. 18, "to regulate the expenditure of District Funds within this Province," and to provide for the auditing and payment of certain accounts by County Councils, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to repeal the Act 13 & 14 Vic. cap. 23, and to make further provision for protesting Foreign Bills of Exchange in Upper Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend the Upper Canada Municipalities Act of 1849, and to grant to the several Municipalities the power of assessing for public improvements and the support of indigent infirm persons, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to regulate the

Pilotage for and below the Harbour of Quebec, being read;

Ordered, That the Bill be read a second time on the fourteenth of February next.

The Order of the day for the second reading of the Bill for the better securing [of] the Freedom of Elections, by use of the Ballot in Lower Canada, being read;

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Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to extend the provisions of the Act 12 Vic. cap. 24, to Companies formed for the purpose of improving the navigation of Rivers and Streams in Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to simplify and alter the practice, pleadings, and proceedings in the Superior Courts of Law and Equity and County Courts in Upper Canada, being read;

Ordered, That the Bill be read a second time on the first of March next.

The Order of the day for the second reading of the Bill to define the rights of Seigniors and Censitaires in Lower Canada, and to facilitate the redemption thereof being read;

Ordered, That the Bill be read a second time on the eighteenth of February next.

The Order of the day for the second reading of the Bill to enlarge the Representation of the People of this Province in Parliament, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to provide for the making of certain Annual Returns to the Government, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to extend the provisions of an Act, intituled, "An Act to amend the Act incorporating the Members of the Medical Profession in Lower Canada, and to regulate the study and practice of Physic and Surgery therein," to afford relief to certain persons who were in practice as Physicians and Surgeons in this Province at the time when the said Act became Law," being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to remove certain doubts as to the Law for the trial of Controverted Elections, being read;

Ordered, That the Bill be read a second time on the fourteenth of February next.

The Order of the day for the second reading of the Bill for reforming the Municipal System of Lower Canada, and for establishing County, Parish, or Township, and Village Municipalities therein, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend and consolidate the Road Laws of Lower Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to extend to Upper Canada the provisions of the two Acts therein mentioned for facilitating the performance of certain duties of Justices of the Peace out of Session, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to explain and remove doubts as to the construction of the Act authorizing Parties to sue and defend Causes in formâ pauperis before the Courts of Law in Lower Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

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The Order of the day for the second reading of the Bill to amend the Act to regulate the Election of Members to represent the People of this Province in the Legislative Assembly, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to change the place of sitting of the Circuit Court in the County of Beauharnois, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to provide for the construction of a Ship Canal to connect the waters of Lakes Huron and Superior, being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be withdrawn.

The Order of the day for the second reading of the Bill to amend the Upper Canada Jurors' Act of one thousand eight hundred and fifty, and to repeal certain parts thereof, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill for the better securing to Occupiers compensation for ameliorations made by them upon Lands in certain cases, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to repeal the twenty-fourth Section of the Act 9 Vic. cap. 37, intituled, "An Act to amend the Law constituting the Board of Works," and to make provisions as well in place of the Section repealed, as in amendment of the Laws relating to the said Board, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to repeal the Act for regulating the shipping of Seamen, and for other purposes therein mentioned, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to increase the Terms of the Circuit Court in the St. John's Circuit, in the District of Montreal, being read;

Ordered, That the Bill be read a second time on the eighteenth of February next.

The Order of the day for the second reading of the Bill to amend the Municipal Acts of Upper Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend and consolidate the several Acts for the construction of Plank and other Roads by Joint Stock Companies in Upper Canada, being read;

Ordered, That the Bill be read a second time on the eighteenth of February next.

The Order of the day for the second reading of the Bill to amend a certain Act passed in the twelfth year of Her Majesty's Reign, intituled, "An Act to repeal certain enactments therein mentioned, and to make better provision for Elementary Instruction in Lower Canada," being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

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The Order of the day for the second reading of the Bill to amend the Law of Patents for Inventions, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to provide for the recovery of the rates and taxes intended to be imposed by certain By-Laws of the late District Councils in Upper Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the House in Committee on the Petition of the Mechanics' Institute of Hamilton, and on the Petition of William Atkinson and others, Officers of the St. Catherines Mechanics' Institute, being read;

Ordered, That the said Order be discharged.

The Order of the day for the second reading of the Bill to further amend the Act for regulating the shipping of Seamen at the Port of Quebec, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the second reading of the Bill to define and establish the Division Line between Upper and Lower Canada, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the House in Committee on the Bill to vest the Harbour of Port Hope, and adjacent premises, in Commissioners, being read;

Ordered, That the said Order of the day be postponed until the fifteenth of February next.

The Order of the day for the House in Committee on the Bill to extend the Elective Franchise, and better to define the Qualifications of Voters in certain Electoral Divisions by providing a system for the registration of Voters,

being read;

Ordered, That the said Order of the day be postponed until the fifteenth of February next.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Seminary of St. Hyacinthe d'Yamaska, in so far as regards the persons composing the said Corporation, and to declare what persons shall compose and constitute the same, being read;

Ordered, That the Bill be read a second time on the sixteenth of February next.

The Order of the day for the second reading of the Bill to amend the Act amending the Acts and Ordinances incorporating the City of Montreal, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The Order of the day for the House in Committee on the Bill to vest in the Little Lake Cemetery Company certain allowances for Road in the Park Lots of the Town of Peterborough, being read;

Ordered, That the said Order of the day be postponed until the fifteenth of February next.

The Order of the day for the second reading of the Bill to enable the Directors of the Grand River Navigation Company to place the said Navigation under the control and management of the Provincial Government, under certain conditions, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

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The Order of the day for the third reading of the Bill from the Legislative Council, intituled, "An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office," being read;

Ordered, That the said Order be discharged.

Ordered, That the Bill be recommitted to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly again resolved itself into the said Committee;⁶¹

MR. PROV. SEC. MORIN [moved to alter] ... one of ... the amendments in the Post Office Bill in such a manner as to make mail coaches pay on toll bridges only when such bridges were not by law obliged to let the mail go free, and only in cases of future contracts....[He] stated that the Post Master General could not agree to an amendment which was proposed the other night, to give the Post-master the right to let the boxes for their own profit.⁶²

SIR A. MACNAB hoped in that case the bill would be postponed.⁶³

MR. BROWN on the other hand, was sure the public would not approve of the method of paying postmasters by fees.⁶⁴

MR. INSP. GEN. HINCKS said the sense of the House could be taken on this question without any delay.⁶⁵

[The] motion was carried.⁶⁶

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Lemieux reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That this House doth rescind its Amendment made to the Bill on Friday last.

The said Resolution, being read a second time, was agreed to.

Mr. Lemieux further reported, That the Committee had gone through the Bill, and made an Amendment thereunto.

Ordered, That the Report be now received.

Mr. Lemieux reported the Bill accordingly; and the Amendment was read, as followeth:--

Page 3, line 16. Leave out from "Province" to "at" in the seventeenth line of the same Page, and insert the following: "unless in the Act or Charter authorizing such Road or Bridge, it is specially so provided; but in respect of existing contracts the exemption which existed heretofore shall be continued, unless on the arrival of the stage or vehicle."

The said Amendment, being read a second time, was agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill, with the Amendment, do pass.

Ordered, That the Honorable Mr. Morin do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same, with an Amendment, to which they desire their concurrence.

A Bill to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal, was, according to Order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartier do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, again resolved itself into a Committee to take into consideration certain Resolutions relative to the construction of a Grand Trunk Line of Railway throughout the entire length of British North America;⁶⁷

MR. MERRITT [moved] ... the following resolutions....:--

1. That whereas the Imperial Government has proffered pecuniary aid for the construction of Railroads in British America at different times, from the Despatch of Earl Grey, Her Majesty's Secretary for the Colonies, to His Excellency Lord Elgin, Governor General of B.N.A. of 1st April, 1817, to the despatch of Sir John Pakington of the 20th May, 1852, in which a hope is expressed that the Canadian Legislature will so modify their proposals as to meet the views of Her Majesty's Government, by adopting the Line for the Grand Trunk Railroad selected by Major Robinson.

2. That in conformity to the above suggestion, the Provincial Legislature have adopted the said Line, and will construct through Canada the best class of English Railroads 5 feet, 6 inches gauge, leading thereto.

That they have already incorporated various Companies for building the following Lines:--

From River Detriot [<u>sic</u>] to Hamilton, 180 miles; Suspension	
Bridge to Hamilton.....	44 miles
From Hamilton to Toronto, 41 miles; Lake Huron to Toronto..	92
From Toronto to Kingston, 168; Provincial Line to Richmond.	54
From Kingston to Montreal, 170; Branches to Main Trunk.....	— 190
From Montreal to Richmond, 72; Total to Quebec.....	921
From Richmond to Quebec, 100; Quebec to Trois Pistoles.....	150
Main Trunk Line, 731 miles under contract.....	— 1071
Leaving under conditions for construction within this Prov-	
ince from Trois Pistoles to Naget, on the St. Lawrence..	41

Thence to River Ristigouche [<u>sic</u>] to Province Line.....	86	—	127
			<hr/>
	Miles Total:		1198
The Province of New Brunswick have also contracted for the construction of that part of the Road from the boundary of Nova Scotia to Miramichi in length.....	100		
Leaving between Miramichi and Ristigouche [<u>sic</u>] unoccupied.	134		
And from boundary of New Brunswick to Halifax.....	124	—	258 [<u>sic</u>]
			<hr/>
Making the entire length of the Grand Trunk Line through British America.....			1556

3. That if the Line lying between the Trois Pistoles, and the Boundary of this Province is not undertaken by the present Company within six months, the same shall be opened for contract to any other Company, and in addition to the £3000 per mile and one million of acres of land already authorized for its construction, such additional number of acres of land lying in that part of the Country through which the Road passes shall be granted, as the Government, after a proper examination, may deem reasonable for ensuing the early construction of the Road.

4. That the completion of this part of the Road will open one continuous [sic] Line from Halifax to Galena on the Mississippi, of about 2,500 miles in length, and with the aid of the natural outlets of interior Lakes, will secure a fair share of the commercial intercourse with the Western States, for which this Province will incur, in addition to her present debt of near £5,000,000 Currency, a further liability for the construction of 1200 miles of this Road, of £3,000,000 Currency.

5. That inasmuch as the Government of the State of New York have provided a Sinking Fund to liquidate the whole amount of their Public Debt in a few years, after which the Tolls on their Canals may be removed, it is, therefore, the interest of this Province to make a similar provision to pay off the additional debt created for this Road, in order that our communications may at all times be in a position, without any additional public charge thereon, fairly to compete with our most formidable rival for the Western Trade.

6. That in addition to the advantages, conferred on the Empire at large, by the encouragement of Emigration providing a Military Road and the facilities offered in the intercourse between this Province and the Mother Country, so often referred to in the different Despatches alluded to from the Imperial Government, this Road can be constructed without any expense to Her Majesty's subjects either in Great Britain or in Canada, by providing a Sinking Fund, based on the difference in the Imperial and Provincial Credit.

7. That the efforts made by this Province should be represented in attaining this great national object, and an application made for the loan of £4,000,000 for 20 years, at the lowest rate of interest at which it can be negotiated, for the purpose of constructing this Grand Trunk Line, for the punctual payment of which the entire revenue of Canals will be pledged.

8. That the amount borrowed shall be invested from time to time, by the Inspector General, in Provincial or local securities of this Province, issued, either for the construction of this Road, or any other improvement, at the current rate of interest within this Province. And in order to secure the Imperial Treasury, and the revenues of this Province against loss in the construction of this Road, a Sinking Fund shall be created, the proceeds of which shall be inviolably appropriated for the purpose herein named and no other.

The said fund shall consist of, and be credited with:

1st. The full amount of interest received from the different Railroad

Companies, to whom Provincial Debentures have been issued, and

2ndly. The difference in exchange on the Imperial Loan. And then shall be charged against the said Fund:

1st. The interest due the Imperial Government on the amount of [the] Loan.

2ndly. In the payment of debentures issued in case of failure, or to make good any loss which may be sustained in the construction of any part of the Grand Trunk Line, and

3rdly. If any remains, the surplus shall be set apart to redeem the principal of the Provincial Debt, borrowed for the construction of the said Road or any other improvement.

9. That an humble Address to Her Majesty be based on the foregoing Resolutions.⁶⁸

Mr. Merritt ... said he had never, at any time since he first had the honour of a seat in the House in 1832 felt more anxious for the success of a measure than on the present occasion; and he was persuaded that its importance was not fully understood by the committee. If they would view the relative position of this country, and the object of the sinking fund, the absolute necessity of carrying it into operation would at once appear. He said, the project of a sinking fund is not new; it was originated by Mr. Pitt, one of the greatest statesmen of his age as early as 1799; and although he was aware that it was ridiculed and described as the imposition of a tax on the people for the purpose of putting into one pocket what was taken out of the other, he would ask hon. members to look at Alison's history of Europe, and they would find that if that distinguished statesman's plan had been carried out, the national debt would have been paid off in 1846. Unfortunately the men who followed Mr. Pitt did not comprehend him; his policy was set aside, and Mr. Alison had prepared tables showing the effect of a departure from it, and prognosticating the very ruin of England.⁶⁹

MR. BROWN.--It is not ruined yet.⁷⁰

MR. MERRITT.--No; it is not ruined yet; but the fact is undeniable that the people of England are leaving her shores at the rate of 200,000 per annum; and that, in their competition with other nations, they had to endure the burden of a debt of £800,000,000. Was it a trifle for them to compete with other nations in the markets of the world with such an enormous debt, contracted for burning powder, and which was constantly pressing on their energies? That was the position of England; but, coming nearer home, he would ask, what is the object of constructing the railroads which have been chartered by the House, but to draw through Canada the trade of the West; and, in connection with our water communications, he believe[d] that they would have that effect. It should be remembered that these roads will have rivals to compete with for that trade. Lake Erie is the centre of the Western trade, and from that point to the Atlantic there are numerous routes already in existence. In one of the resolutions which he had laid before the Committee, he had shown that in the State of New York there is in existence a sinking fund by which the State debt will be paid off in fifteen years; and that at the present moment the government of the State of New York receives a toll of 23½⁷¹ [OR] 33 cents⁷² on every barrel of flour sent through the Erie canal. If this were merely a trifling subject, he would not be so earnest in calling the attention of hon. gentlemen to it; but as he considered it to be a matter of vital importance to the interests of his country, he wished it to be thoroughly understood; he wished them to know, that in fifteen years the entire debt of the State of New York will be paid off by a fund which the legislature cannot touch, or set aside, as has been done in England. Here, having no written constitution, constant changes of policy are taking

place, as each Administration may differ from that which precedes it in the mode of viewing a question of the character under consideration. Not so, however, in the State of New York, where the sinking fund is established by the constitution, and must be applied to the extinction of the debt. Now, he would ask what the position of Canada will be when that debt is paid, and the trade relieved from that toll of $23\frac{1}{2}$ cents per barrel? He wanted hon. members to understand that point--to understand that they are competing with an active, intelligent people; and the question was, whether they would seize the opportunity, and save the country from debt; or lose the opportunity, and abandon the interests of the country? Great Britain has offered this country its credit, in the despatch of Earl Grey in 1847; and here he would remark, that the resolutions of the Inspector General were almost identical with his own, except that the Inspector General had omitted the allusion which he had inserted relative to the sinking fund of the State of New York. The Inspector General having proposed that the Imperial Government should lend £75,000 for a period of twenty years to build one hundred miles of road in Canada from the St. Lawrence to the Ristigouche [*sic*] River, the only part of an expensive character being forty-one miles on the St. Lawrence, which would be easily constructed. Instead of making Great Britain to give us this £75,000 a year which we do not want, he proposed to ask her to lend this Province her credit which is much better. We can succeed in obtaining a guarantee for 4,000,000£. sterling, which can be obtained at $2\frac{1}{2}$ per cent., which leaves a gain of more than 100,000£. per year, which, with the difference of exchange, will exceed £120,000 per year, to be applied to guard the public against loss, and the remainder for the purpose of paying off the debt; and who gets the benefit? The public--the Province of Upper Canada. That was the point which he wished hon. gentlemen distinctly to understand. If, on the contrary, that policy was abandoned, and the House adopted that proposed by the Inspector General, no sinking fund whatever will be established. We have contracted for the construction of about twelve hundred miles of Railroad; we have issued, or will issue, our debentures for the purpose; these debentures will be held in England, and the interest will be drawn from this country by the English stockholders every year. Well, if anything should happen to prevent these roads from paying, where is the sinking fund for the discharge of the debt? There is none. No means have been provided, and the Province will be overburthened with the £3,600,000£. which these 1,200 miles of road will cost, in addition to our present debt of £5,000,000. Would it not be better to get the credit of Great Britain for the money that we require and establish a sinking fund sufficient to pay off the whole debt? What objection can there be to place this country on a par with the State of New York? No country, perhaps, in the world, is so favourably situated politically or commercially as Canada, in the position it now occupies as a colony of Britain, and this is one of the advantages that we derive from that position. We can by means of the Imperial credit obtain the money that we require at $2\frac{1}{2}$ per cent. and the difference between that and 6 per cent. can be funded for the purpose of relieving the country from any danger of taxation to discharge the debt. That is a striking instance of the value of the connection; and Earl Grey, in his despatch of 1847 invites us to take advantage of it when in need of pecuniary assistance. He says, that if we can point out any means of building railroads he will not be slow in recommending it to the consideration of Parliament, nor will Parliament be slow in carrying it out. In addition to that, we have the assurance of Sir J. Pakington that we shall obtain the aid of the Imperial Parliament if we require it. Can there be a single doubt as to whether it is better to get 75,000£. a year, as the Inspector General proposes, or to obtain 4,000,000£. at $2\frac{1}{2}$ per cent. on the Imperial guarantee? He felt perfectly satisfied that if his proposition were

adopted, and if the sinking fund were established, this colony would be on an equal footing with the State of New York. That had been his object for years, and he hoped that it would not now be lost sight of by the Government when there was a possibility of its being effected; for he would say that these lines of railroad may be built, the communication may be established, but if the State of New York takes off the toll of $23\frac{1}{2}$ cents per barrel we will lose the trade. That is unanswerable. But if his proposition were acceded to, we would be in as good a position as New York, and it would be impossible for them by such means to obtain possession of the trade, as our superior communications would necessarily divert it from them. In conclusion, he would say, that he could not understand what objection there could possibly be on the part of the Government⁷³ and would, there[fore] move his first resolution at once.⁷⁴

MR. RIDOUT called the attention of the member for Lincoln to the fact, that the benches were almost empty, and put it to the hon. member whether he would proceed, more particularly as the session was rapidly drawing to a close.⁷⁵

MR. INSP. GEN. HINCKS hoped that no one would attempt to postpone a question of so grave importance. The proposition made by the member for Lincoln appeared to him to be entirely inadequate to the proposed end; and there was another fact, that the hon. member appeared to lose sight of, which is, that it would not be entertained for one moment by the Imperial Parliament; for it would be impossible to hoodwink the British Government, and conceal from them the fact, that the money to be borrowed at $2\frac{1}{2}$ per cent. was to be loaned out again at 6 per cent., to pay our debt. The probability--in fact, the certainty, almost, is, that the request would be refused at once, and that in a very contemptuous manner. Again, he should have remembered that it would be impossible to get any company to construct a road through a wilderness, merely by giving them the Provincial guarantee. That road is 227 miles in length, from Trois Pistoles to Miramichi, instead of 100 miles, as the member for Lincoln had said.⁷⁶

MR. MERRITT said, that there were only 100 miles in Canada.⁷⁷

MR. INSP. GEN. HINCKS said that 100 miles only are in Canada, it is true; but the whole of the 227 miles must be constructed, and he repeated that no company could be induced to accept a contract for making this route by the grant of the Provincial guarantee. He had no doubt himself that the Imperial Government would accede to the proposition contained in his resolutions, if they were still anxious that the line of road between Halifax and Quebec should be perfected. With respect to the hon. member's observations relative to a sinking fund, the hon. gentleman was altogether mistaken, as every railroad bill contains a provision that a sinking fund must be formed to discharge the debt. Talking about that debt, he would remark, that he did not believe it would be a charge upon the Province; he did not believe that the Province would be called on to pay a farthing of the interest. While paying, as he was certain that they would do, one of their first objects will be the extinction of the debt, and for this purpose they will convert the bonds into stock.⁷⁸ It would doubtless be most advisable for the several incorporated Companies to sell their stock, and discharge their debt to the Province as speedily as possible.⁷⁹ He had no other objection to the resolutions of the member for Lincoln except to the introduction of the reference to the financial condition of the State of New York.⁸⁰ The sinking fund of the State of New York had nothing to do with the matter.⁸¹ That reference appeared to him to be altogether out of place, and in fact derogatory to the Imperial Parliament.⁸²

MR. J.A. MACDONALD thought it probable that the British government would very readily aid to build the piece of road that would remain, when Canada had done what was proposed to Trois Pistoles and New Brunswick to Miramichi. He thought it most desirable that the resolutions should go home by the first mail, and he had no objection to Mr. Merritt's resolutions, except that they were so unreasonable that no one could expect the British government to grant what they asked for. On the other hand, he believed the Inspector General's resolutions were reasonable, and might be expected to be accorded. He advised the hon. member for Lincoln to withdraw his resolutions until it were seen whether the request contained in those of the Attorney General were granted.⁸³

MR. MERRITT replied.⁸⁴

MR. BROWN said he thought this proposition absurd. We were asking the British government to give £75,000 per annum for 25 years to the colony. We went there as paupers to ask for money of a country were [sic] the people were sufficiently oppressed by taxes as it was. And we were doing this, while the British government had offered to give in a manner that would cost her nothing, something that would be far more valuable, a loan of several millions. While this Jackson scheme was being carried out here, he heard that there was a letter in town from Halifax, stating that offers had been made by responsible English capitalists to build the Nova Scotia roads for £4,000 Stg. per mile, and that Mr. Howe had gone home to ask for the Imperial guarantee, which no doubt he would get. It was no use to oppose the resolutions, but he wanted to put his protest on record. He agreed in what had been said about Mr. Merritt's scheme, although he thought it a great improvement on the Sinking fund of Mr. Pitt. He again asked why, if we were to ask a gift of £75,000 a year, we should not ask a guarantee which would cost nothing?--The Inspector General refused to go and ask for the credit of the mother country, that was too humiliating; but it was not humiliating to ask for a gift of £2,000,000.⁸⁵

MR. CARTIER said we did not beg from England. We merely asked her to consult her own interest in a scheme, which was greatly for our advantage. Besides did not England pay largely to the Cunard company for carrying the mail?--Well she would pay just in the same way for this road. Besides this, it would be a great thing for the population of England, to open up this large tract for settlement, and it was well known that the inhabitants of British North America consumed far more of British manufactures than any other people with whom Great Britain traded.--As so much good was to be done to England in this way he thought she ought to pay her share.⁸⁶

MR. STUART would acquiesce in these resolutions except that he did not think--and this he would ask the Inspector General to explain--that the three Provinces had agreed, as they were stated in the resolutions to have done. He thought this proposition tended to carry out to their legitimate point the original propositions of Lord Grey, and he thought the Imperial Government would consent. He did not look upon this as putting ourselves in the light of paupers at all.--It was of the greatest interest to the people of Great Britain to carry out this project, for if it were not done he felt sure, that the province would not remain attached to the mother country. At present a line of communication was being made by the Atlantic Seaboard from Halifax to Toronto; but by the road now proposed, Western Canada could be reached from England much sooner than by the one he spoke of. On these grounds he thought it the interest of Great Britain to go to some expense.⁸⁷

MR. INSP. GEN. HINCKS said that the three governments agreed and, therefore the three Provinces must be held to agree.⁸⁸ He moved in amendment that the following resolutions be adopted by the Committee.

1. That the Imperial Government has repeatedly invited the attention of the Legislatures of Canada, New Brunswick and Nova Scotia, to the great importance of a line of railway from Quebec to Halifax, to connect the three great Provinces of British North America, and has intimated that in consideration of the vast importance of such railway, not only to the Province but to the Empire, Imperial aid would be given to its construction.

2. That this invitation was clearly given, and this intimation made, by the Right Hon. Earl Grey, then Her Majesty's Secretary of State for the Colonies, in his Despatch to His Excellency the Governor General, of the 1st April, 1847; that the Legislatures of the three Provinces acted upon them, and that the survey which has since been made by Major Robinson, has shown in the strongest light, not only the practicability of the undertaking, but has confirmed the view taken by Earl Grey, of the very great advantages which must result from it, both to Provincial and Imperial interests.

3. That the line agreed upon by the three Provinces, as being that on which the said Railroad could be made with most advantage to them, being different from that selected by Major Robinson as most advantageous for Imperial purposes, Her Majesty's present Government declined to grant Imperial aid for its construction, but that in the despatch of the 20th May, 1852, Her Majesty's Secretary of State for the Colonies, communicating this decision to His Excellency the Governor General, a hope is expressed that the Provincial Legislatures may see cause to meet the views of Her Majesty's Government by adopting Major Robinson's Line.

4. That this Province has spared no efforts to ensure the construction of this great work, and to increase its usefulness and completeness; and that provision has been made and the guarantee of the Province given, for the completion of a line of railway of one uniform gauge of five feet six inches, and of the most permanent character, from the western extremity of the Province at Detroit, to Trois Pistoles in the County of Rimouski, a distance of eight hundred and eighty-one miles, passing through and connecting all the great towns and cities of Canada.

5. That there is reason to believe that the Province of Nova Scotia will, out of its own resources, provide for the construction of a Railway of the same gauge and character from Halifax to the frontier line of New Brunswick, and that the last named Province will, out of its own resources, continue the said Railway to the Miramichi River, on the route to Canada, and to the city of St. John's in the opposite direction.

6. That the distance from the Miramichi River to the eastern frontier of Canada at the Ristigouche [sic] River, is about 100 miles, and the distance from Ristigouche [sic] to Trois Pistoles is about 127 miles, making in all about 227 miles, remaining to be constructed in order to complete one grand line of Railway throughout the entire length of British North America, and connecting not merely Quebec and Halifax, but every principal city and town in each of the Provinces, directly with each other, and all with the Atlantic at that point from which the communication with the United Kingdom is most easy, rapid and economical.

7. That the resources of this Province will be too far exhausted in providing for the construction of the railway from Detroit to Trois Pistoles, to allow of our continuing it to the Eastern Frontier at the Ristigouche [sic] without Imperial aid; and that it is not to be expected that New Brunswick will be able, without aid, to continue it from Miramichi to Ristigouche [sic], the country on both sides of the Frontier being almost wholly in a state of nature, though well adapted for settlement if easy access were afforded to it.

8. That under these circumstances, this House entertains an earnest hope that the Imperial Government will lend its assistance to perfect the great

undertaking, of which British statesmen have uniformly expressed the most favourable opinion, and the importance of which to British or Colonial interests can scarcely be overrated; inasmuch as it will afford to the industrious but crowded population of the United Kingdom, a ready means of access to millions of acres of fertile lands now utterly unproductive, in which they will become consumers of British manufactures--it will save large sums of money annually in the expense of conveyance of the mail from the United Kingdom, while it will render that conveyance most rapid and sure, and avoid the necessity of its depending upon a foreign power--and it will follow that line which all military authorities have agreed in selecting as best calculated to make it eminently useful to the defence of the country.

9. That in the opinion of this House, the assistance of the Imperial Government might be most advantageously given to the completion of the said line from Trois Pistoles to Miramichi, by the appropriation of a sum of £75,000 annually for a period of not less than twenty-five years, in favour of the Province of Canada and New Brunswick, to enable them to meet the charges to which they would be subjected in completing the same.

10. That an humble address be presented to Her Majesty, embodying the substance of the preceding resolutions, and praying that Her Majesty will be graciously pleased to recommend to Parliament the grant of Parliament aid to the extent aforesaid.⁸⁹

MR. J.A. MACDONALD of Kingston, concurred in the proposition and views of the Inspector General. There appeared to him to be every reasonable expectation that Lord Derby would do everything in his power to effect the construction of the line between Halifax and Quebec, if the resolutions of that hon. gentleman passed, a favourable answer might be received previous to the meeting of Parliament again on the 14th of February; and it therefore became a matter of the utmost importance that they should be sent home by the first mail. With respect to the resolutions of the member for Lincoln, he would observe that he had no great objection to them, except that it was very improbable they would be successful. There was scarcely any reason to suppose, from anything that had occurred, that the Imperial Government would accede to the proposition contained in them; and again, it would prevent the Imperial Government from entertaining the reasonable proposition of the Inspector General. If both sets of resolutions were passed, one set would have the effect of destroying the other. He suggested that the member for Lincoln should withdraw his resolutions for the present, and move them again on the 16th February.⁹⁰

MR. MERRITT was surprised at the arguments used in opposition to his resolutions. He asked the House to follow out precisely the plan that Sir J. Pakington had laid down with respect to the Halifax line, and the Inspector General said that we would be borrowing money to pay off our debts! Why, what had England to do with that? In fact England would be glad to see us in a position to pay off our debts. For this purpose, he merely proposed that we should avail ourselves of the difference between Imperial and Colonial credit. What difference can it make to the Imperial Government, whether the Government of this colony construct[s] the road itself, or gives companies the right to construct it? The only real difference between his proposition and that of the Inspector General, was, that the scheme he proposed would furnish us with the means of paying off our debt, while that of the Inspector General would leave the debt weighing on the necks of the people. Then the hon. gentleman said that it would be impossible to get a company to undertake the road between Trois Pistoles and Miramichi. That is a mere matter of opinion. If his resolutions were adopted, the Province

would be in a position to pay a company for undertaking the road. As to the Inspector General's objection to the reference to the State of New York, he conceived that that was the whole point. He wished to show Great Britain that if she will not lend us her assistance, we will be crushed under the weight of an enormous debt, while New York will be perfectly free. Great Britain could have no objection to the request. But he feared that it was going to be now as it was when £1,500,000 were borrowed in Kingston for the purpose of constructing our public works.⁹¹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had come to several Resolutions; which were read, as follow:--

1. Resolved, That the Imperial Government has repeatedly invited the attention of the Legislatures of Canada, New Brunswick and Nova Scotia, to the great importance of a Line of Railway from Quebec to Halifax, to connect the three great Provinces of British North America, and has intimated that in consideration of the vast importance of such Railway, not only to the Provinces but to the Empire, Imperial aid would be given to its construction.

2. Resolved, That this invitation was clearly given, and this intimation made by the Right Honorable Earl Grey, then Her Majesty's Secretary of State for the Colonies, in his Despatch to His Excellency the Governor General, of the 1st of April, 1847; that the Legislatures of the three Provinces acted upon them, and that the survey which has since been made by Major Robinson,

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has shewn in the strongest light, not only the practicability of the undertaking, but has confirmed the view taken by Earl Grey, of the very great advantages which must result from it both to Provincial and Imperial interests.

3. Resolved, That the Line agreed upon by the three Provinces, as being that on which the said Railroad could be made with most advantage to them, being different from that selected by Major Robinson as most advantageous for Imperial purposes, Her Majesty's present Government declined to grant Imperial aid for its construction; but that in the Despatch of the 20th May, 1852, Her Majesty's Secretary of State for the Colonies, communicating this decision to His Excellency the Governor General, a hope is expressed that the Provincial Legislatures may see cause to meet the views of Her Majesty's Government by adopting Major Robinson's Line.

4. Resolved, That this Province has spared no efforts to ensure the construction of this great Work, and to increase its usefulness and completeness; and that provision has been made and the Guarantee of the Province given, for the completion of a Line of Railway of one uniform guage of five feet six inches, and of the most permanent character, from the western extremity of the Province at the River Detroit to Trois Pistoles, in the County of Rimouski, a distance of eight hundred and eighty-one miles, passing through and connecting all the great Towns and Cities of Canada.

5. Resolved, That there is reason to believe that the Province of Nova Scotia will, out of its own resources, provide for the construction of a Railway of the same guage and character from Halifax to the Frontier line of New Brunswick, and that the last named Province will, out of its own resources, continue the said Railway to the Miramichi River, on the route to Canada, and to the City of St. John's in the opposite direction.

6. Resolved, That the distance from Miramichi River to the Eastern Frontier of Canada, at the Restigouche River, is about 100 miles, and the distance from Restigouche to Trois Pistoles is about 127 miles, making in all about 227 miles remaining to be constructed in order to complete one Grand Line of Railway throughout the entire length of British North America, and connecting not merely

Quebec and Halifax, but every principal City and Town in each of the Provinces, directly with each other, and all with the Atlantic at that point from which the communication with the United Kingdom is most easy, rapid and economical.

7. Resolved, That the resources of this Province will be too far exhausted in providing for the construction of the Railway from Detroit to Trois Pistoles, to allow of our continuing it to the Eastern Frontier at the Restigouche without Imperial aid, and that it is not to be expected that New Brunswick will be able without such aid to continue it from Miramichi to the Restigouche, the country on both sides of the Frontier being almost wholly in a state of nature, though well adapted for settlement if easy access were afforded to it.

8. Resolved, That under these circumstances, this House entertains an earnest hope that the Imperial Government will lend its assistance to perfect the great undertaking of which British Statesmen have uniformly expressed the most favorable opinion, and the importance of which to British as well as Colonial interests can scarcely be overrated, inasmuch as it will afford to the industrious but crowded population of the United Kingdom, a ready means of access to millions of acres of fertile lands now utterly unproductive, in which they will become consumers of British manufactures,--it will save large sums of money annually in the expense of conveyance of the Mail to and from the United Kingdom, while it will render that conveyance most rapid and sure, and avoid the necessity of its depending upon the sufferance of a Foreign power,--and it will follow that line which all Military authorities have agreed in selecting as best calculated to make it eminently useful to the defence of the Country.

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9. Resolved, That in the opinion of this House, the assistance of the Imperial Government might be most advantageously given to the completion of the said Line from Trois Pistoles to Miramichi, by the appropriation of a sum of Seventy-five thousand pounds annually, for a period not less than twenty-five years, in favor of the Provinces of Canada and New Brunswick, to enable them to meet the charges to which they would be subjected in completing the same.

10. Resolved, That an humble Address be presented to Her Majesty, embodying the substance of the preceding Resolutions, and praying that Her Majesty will be graciously pleased to recommend to Parliament the grant of Imperial aid to the extent aforesaid.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Macdonald, and the Question being proposed, That the said Resolutions be now read a second time:

Mr. Brown moved in amendment to the Question, seconded by Mr. Marchildon, That all the words after "be" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House, for the purpose of amending the third Resolution, by leaving out the words 'the Line agreed upon by the three Provinces, as being that on which the said Railroad could be made with most advantage to them, being different from that selected by Major Robinson as most advantageous for Imperial purposes,' and inserting the words 'the three Provinces having in the late negotiations failed to unite on a route for the said Railroad, satisfactory to the Imperial authorities'" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That the said Resolutions be now read a second time;

Mr. Brown moved in amendment to the Question, seconded by Mr. Marchildon, That all the words after "be" to the end of the Question be left out, in order

to add the words "recommitted to a Committee of the whole House, for the purpose of leaving out all the words after 'That' in the ninth Resolution, and inserting the words 'in the opinion of this House, the assistance of the Imperial Government might be most advantageously given to the completion of the said Line from Hamilton to Miramichi, by the endorsation of the Bonds of Canada and New Brunswick in the manner proposed by the Right Honorable the Earl Grey, late Her Majesty's Secretary of State for the Colonies, to enable these Provinces to meet the charges to which they would be subjected in completing the same'" instead thereof;

MR. MARCHILDON supported the amendment and opposed the motion as an insidious step to the union of all three Provinces.⁹²

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the said Resolutions be now read a second time.

And the said Resolutions, being read a second time, were agreed to.

Resolved, That a Select Committee, composed of the Honorable Mr. Hincks, the Honorable Mr. Macdonald, Mr. Cartier, Mr. Ridout, and Mr. Morrison, be appointed to draw up an Address to Her Majesty, upon the said Resolutions.

The Honorable Mr. Hincks reported from the said Committee, That they had drawn up an Address accordingly; and the same was read, as followeth:--

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to approach Your Majesty for the purpose of representing, that the Imperial Government has repeatedly invited the attention of the Legislatures of Canada, New Brunswick, and Nova Scotia, to the great importance of a Line of Railway

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from Quebec to Halifax, to connect the three great Provinces of British North America, and has intimated, that in consideration of the vast importance of such a Railway, not only to the Provinces but to the Empire, Imperial aid would be given to its construction.

That this invitation was clearly given, and this intimation made by the Right Honorable Earl Grey, then Your Majesty's Secretary of State for the Colonies, in his Despatch to His Excellency the Governor General, of the 1st April, 1847; that the Legislatures of the three Provinces acted upon them, and that the Survey which has since been made by Major Robinson, has shewn in the strongest light, not only the practicability of the undertaking, but has confirmed the view taken by Earl Grey, of the very great advantages which must result from it both to Provincial and Imperial interests.

That the Line agreed upon by the three Provinces, as being that on which the said Railroad could be made with most advantage to them, being different from that selected by Major Robinson as most advantageous for Imperial purposes, Your Majesty's present Government declined to grant Imperial aid for its construction; but that in the Despatch of the 20th May, 1852, Your Majesty's Secretary of State for the Colonies, communicating this decision to His Excellency the Governor General, a hope is expressed that the Provincial Legislatures may see cause to meet the views of Your Majesty's Government by adopting Major Robinson's Line.

That this Province has spared no efforts to ensure the construction of this great Work, and to increase its usefulness and completeness; and that provision

has been made, and the Guarantee of the Province given, for the completion of a Line of Railway of one uniform gauge of five feet six inches, and of the most permanent character, from the western extremity of the Province at the River Detroit, to Trois Pistoles in the County of Rimouski, a distance of eight hundred and eighty-one miles, passing through and connecting all the great Towns and Cities of Canada.

That there is reason to believe that the Province of Nova Scotia will, out of its own resources, provide for the construction of a Railway of the same gauge and character, from Halifax to the Frontier line of New Brunswick, and that the last named Province will, out of its own resources, continue the said Railway to the Miramichi River, on the route to Canada, and to the City of St. John's, in the opposite direction.

That the distance from the Miramichi River to the Eastern Frontier of Canada, at the Restigouche River, is about 100 miles, and the distance from Restigouche to Trois Pistoles is about 127 miles, making in all about 227 miles remaining to be constructed in order to complete one Grand Line of Railway throughout the entire length of British North America, and connecting not merely Quebec and Halifax, but every principal City and Town in each of the Provinces, directly with each other, and all with the Atlantic at that point from which the communication with the United Kingdom is most easy, rapid, and economical.

That the resources of this Province will be too far exhausted in providing for the construction of the Railway from Detroit to Trois Pistoles, to allow of our continuing it to the Eastern Frontier at the Restigouche without Imperial aid, and that it is not to be expected that New Brunswick will be able, without such aid, to continue it from Miramichi to the Restigouche, the country on both sides of the Frontier being almost wholly in a state of nature, though well adapted for settlement, if easy access were afforded to it.

That under these circumstances, we entertain an earnest hope that the Imperial Government will lend its assistance to perfect the great undertaking of which British Statesmen have uniformly expressed the most favourable opinion, and the importance of which, to British as well as Colonial interests, can scarcely be overrated, inasmuch as it will afford to the industrious but crowded population of the United Kingdom, a ready means of access to millions

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of acres of fertile lands now utterly unproductive, in which they will become consumers of British manufactures,--it will save large sums of money annually in the expense of conveyance of the Mail to and from the United Kingdom, while it will render that conveyance most rapid and sure, and avoid the necessity of its depending upon the sufferance of a Foreign power,--and it will follow that line which all Military authorities have agreed in selecting as best calculated to make it eminently useful to the defence of the Country.

We beg leave further respectfully to represent, that in our opinion, the assistance of the Imperial Government might be most advantageously given to the completion of the said Line from Trois Pistoles to Miramichi, by the appropriation of a sum of Seventy-five thousand pounds annually, for a period of not less than twenty-five years, in favor of the Provinces of Canada and New Brunswick, to enable them to meet the charges to which they would be subjected in completing the same; and we most humbly pray that Your Majesty will be graciously pleased to recommend to Parliament the grant of Imperial aid to the extent aforesaid.

And the said Address, being read a second time, was agreed to.

Ordered, That the said Address be engrossed.

Resolved, That a Message be sent to the Honorable the Legislative Council,

informing their Honors that this House hath adopted an Address to Her Majesty on the subject of a Railway from Quebec to Halifax, and requesting the concurrence of their Honors thereto.

Ordered, That the Honorable Mr. Hincks do carry the said Message to the Legislative Council.

The Honorable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered; and is as followeth:--

Elgin and Kincardine,

The Governor General transmits to the Legislative Assembly, a Statement of the probable Revenue and Expenditure of the Province during the year ending 31st of December, 1852, together with Estimates of the sums required for the service of the same year; and in conformity with the provisions of the fifty-seventh Clause of the Union Act, he recommends these Estimates to the House of Assembly.

Government House,

Quebec, 8th November, 1852.

For the Statement and Estimates accompanying the said Message, see Appendix (B.)

The House, according to Order, resolved itself into a Committee to consider of the Motion made on Friday last, That a Supply be granted to Her Majesty; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Prince reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

The House, according to Order, resolved itself into a Committee on the Second Report of the Standing Committee on Contingencies;⁹³

MESSRS. CHRISTIE and LEMIEUX protested loudly against proceeding in the committee at that late hour of the evening, and before the report had been printed⁹⁴.

MESSRS. BROWN and BADGLEY [made] ... some remarks⁹⁵.

MR. BROWN said the members of the House according to the law were entitled to their pay throughout [sic] the adjournment, the report recommended that they should not receive this pay; but only their milage going and returning. Next there was a recommendation to give a small gratuity to the gentleman who had acted as assistant clerk, and who had acted with great judgment and ability. Next was a trifling pension to the widow of a poor man who had died of cholera in attending on that house. How much was it proposed to give her? Only £10 per annum. That was not a matter of any great importance, and if he voted a pension at all it will be not to support pride or sanction extravagance, but for people who really wanted money.⁹⁶

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Cauchon reported, That the Committee had come to a Resolution.

Ordered, That the Report be now received.

Mr. Cauchon reported the Resolution accordingly; and the same was read, as followeth:--

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Resolved, That this House doth concur in the Second Report of the Standing Committee on Contingencies.

The said Resolution, being read a second time, was agreed to.

On motion of Mr. Seymour, seconded by Mr. Brown,

Ordered, That so much of the said Report as relates to Printing, Printing Paper, folding, and stitching, be referred to the Standing Committee on Printing.

Mr. Seymour, from the Standing Committee on Contingencies, presented to the House the Fifth Report of the said Committee; which was read, as followeth:--

The Clerk of Your Honorable House has laid before Your Committee the resignation of Henri Voyer, Chief French Translator, dated in the month of October, 1851. It appears that Mr. Lévesque, being next in rotation in that department, was immediately directed by the Clerk to take charge, that the work in the Office might not be delayed. Some questions were put to Mr. Lindsay respecting the appointment to office in the various departments of Your Honorable House, as also to the appointment now under consideration: the questions, with the answers, Your Committee beg leave to append to this Report. They also recommend that the appointment of Mr. Lévesque, in the place of Mr. Voyer, be confirmed by Your Honorable House, with the salary of Two hundred and fifty pounds per annum, the amount formerly paid to the last Incumbent, to commence from the date of Mr. Voyer's resignation, and to be paid from the Contingencies of the House.

The vacancy thus occasioned in the French Translator's Office, Your Committee recommend to be supplied by Mr. William Fanning, the senior Extra Assistant French Translator, and a very faithful and efficient person, at the rate of Two hundred pounds per annum, to commence from the present time.

Your Committee have had before them an application from Mr. Alpheus Todd, Assistant Librarian, praying for an increase to his present salary. Your Committee fully appreciate the services rendered by Mr. Todd to the Members of the House, as stated in his communication, which is appended to this Report. They therefore respectfully recommend that an addition of Fifty pounds be made to his salary, commencing at the beginning of the present Session.

In consequence of the indisposition of Mr. Faribault, the Assistant Clerk of Your Honorable House, the duty of that Office has been discharged by Mr. W.B. Lindsay, Junior, the Assistant Law Clerk and English Translator. Your Committee having every reason to believe that Mr. Lindsay has performed the duties of the Office in an efficient and satisfactory manner, recommend that a gratuity of Fifty pounds be made to him.

Your Committee have had before them the condition of the family of one of the Messengers, who was very recently carried off by the disease then prevalent. It appears that he has left a very helpless family, consisting of a sickly mother and seven small children. While Your Committee would deprecate the principle of granting Pensions under ordinary circumstances, they would yet, in the present instance, recommend that the small amount of Ten pounds per annum, be paid to the widow of Charles Olivier, the late Messenger, during her life.

Your Committee beg to recommend that three shillings and nine pence, per day, be allowed to Edward O'Connor, the youth in attendance as extra Page.

They would further recommend that a gratuity of Fifteen pounds be made to Mr. Michael McCarthy, for keeping in charge and in order, the Parliament House in Toronto, during the Sessions of 1850 and 1851.

There are other matters under the consideration of Your Committee, which they purpose to lay over until the close of the adjournment of the House in February next.

In respect to those persons in the employment of Your Honorable House, and not on the regular permanent staff, Your Committee recommend that they be

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discharged when the House rises on the 10th instant, and that the Clerk be instructed to notify all parties that no claims will be entertained arising out of alleged loss by the approaching Recess.

Before closing this present Report, Your Committee have considered the subject of paying wages to Members during any Recess in cases of adjournment, and have herewith reported a Resolution upon the subject, for the consideration of Your Honorable House:--

Resolved, That no Indemnity be paid to any Member during any Recess, in case of adjournment of more than four weeks, but that, in all such cases, Members who actually return to their homes, and attend after a Recess, shall be entitled to mileage for such journey; and that the existing Law be amended accordingly.

Questions submitted to William B. Lindsay, Esquire, Clerk of this House, by the Standing Committee on Contingencies, and his Answers thereto:--

1. Do you claim the right, by virtue of your Commission, to appoint all your Deputies?--By virtue of my Commission, I have a right to appoint all my Deputies and Assistants; but I never exercised that right without first consulting the Speaker of the House, and getting his approval to any appointments or changes required in my Department. In 1844-5, the Contingent Committee denied my right of appointment, but their Report was set aside by the House in that Session.

2. Is not your right subject to the approbation of the Speaker and of the Legislative Assembly, and is it not limited to the choice of the person,--the title and privileges of the Office being left to the Contingent Committee to determine, as may appear on reference to the Report of that Committee in 1851, in which various titles are given to several of the Officers?--Whatever my legal right may be, I have always exercised it, subject to the approval of the Speaker, and the Speaker's decision may probably be subject to appeal to the House. The Contingent Committee in 1851 classified the several Officers of the House, and various titles were given to some of them; the Contingent Committee and the House, by adopting or amending their Report, have always exercised the power of fixing the salaries of the various Officers.

3. Ought not the vacancy which has occurred by the resignation of Mr. Voyer, Chief French Translator, to be filled up according to the 90th Standing Rule of this House?--I think it indispensably necessary that the vacancy which has occurred by the resignation of Mr. Voyer, Chief French Translator, should be filled up.

4. Can you recommend the appointment of Mr. Guillaume Lévesque, first Assistant French Translator, who has had the superintendence of that office, according to your instructions, since the 1st November, 1851, shortly after the resignation of Mr. Voyer, to the Office of Chief French Translator, with the same salary as Mr. Voyer, since the Office became vacant: considering the responsibility of that Department, and Mr. Lévesque's knowledge and attainments, and the able manner in which he has always fulfilled the difficult task imposed upon him for several years?--It has always been my intention to recommend Mr. Lévesque to succeed Mr. Voyer, as Chief French Translator, with the same salary (£250 per annum), from the time when I placed him in charge of the Department in November last.

5. Is not the work in the Office of the French Translators very considerable, and does it not require daily 12 to 15 hours serious labour, consisting of the translation into French of such Bills as are brought in in English, Votes and Proceedings, Notices of Motions that are brought in in English--the correc-

tion of all French Proofs, both of translations into French, of Documents, Bills and Proceedings, and of Documents, Bills and Proceedings originally in French (including the French Journals, and the Index thereof,)--does not all this involve great responsibility, especially in the case of Bills to be prepared for third reading, which require to be read over three or four times, and compared by the Chief Translator with the Law Clerk?--The

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work in the French Translator's Office is very considerable, and the duties very important. They comprise everything mentioned in this question. The hours of attendance in all the Offices are very long during the Sessions, and the French Translator's Office forms no exception to the rule.

6. Is not William Fanning, Esquire, Advocate, the senior Supernumerary Translator in that Office, in which he has been engaged since 1846 as a Sessional Translator at 15s. per diem; and from his irreproachable conduct, long experience, and legal knowledge, do you not think that he should be made a permanent Officer, with a proportionate salary; if so, what salary would you suggest?--Mr. Fanning has been senior Supernumerary in the French Translator's Department since 1846; he is a zealous and intelligent officer, and it is my intention to recommend that he be placed on the permanent establishment as an Assistant Translator, with the same salary as the other Assistants now enjoy (£200 per annum).

7. Have there not been several modifications and augmentations of salaries at different periods, in the several departments of the Legislative Assembly, in proportion to the increase of labour, within the last five or six years, with the exception of the Law Clerk and English Translator's, and the French Translators' Departments?--Modifications and augmentations of salaries have taken place in nearly all the Departments of the House at different periods; no increase has taken place, however, in the salary of the Law Clerk and English Translator since the Union, nor has the salary of the Assistant Law Clerk and English Translator (who has been in the service of the House since the Union,) been augmented since his first appointment to the latter Office in 1844-5, although the duties and responsibilities of the Office have very greatly increased, and are increasing yearly. In the Law Clerk's Office the most important Bills are prepared, a work involving much greater responsibility and difficulty than that of translation, which latter duty also has considerably increased of late. No augmentation of the French Translator's salary has taken place since the Union, nor in that of the Assistant French Translators, since their appointment in 1844-5, although the duties of that office have also considerably increased since that period.

Application from Mr. Alpheus Todd, Assistant Librarian, to the Standing Committee on Contingencies:--

Gentlemen,--Having received the sanction of the Honorable the Speaker, I beg to address you on the subject of my present duties, and the amount of my salary.

Having been, since the year 1836, in the employ of the House of Assembly of the late Province of Upper Canada, in a similar capacity, I was, at the period of the Union, appointed Assistant Librarian to the Legislative Assembly, with a salary which, in 1843, was fixed at £200 per annum.

Since that time my duties in connection with the Library have much increased; and in addition thereto, I have, for several years past, been called upon by Members to assist in the investigation of the numerous Parliamentary

and constitutional questions which, from time to time, have engaged the attention of the House, and generally to advise upon matters of Parliamentary practice; it being known that to these subjects I had devoted considerable study and research.

For my services in this capacity, though long continued, and involving much mental labour, I have hitherto received no additional remuneration, although the justice of my claims thereto has been recognized by many leading Gentlemen in Parliament.

I am at length compelled to bring the matter under the notice of the Committee, in consequence of the exceeding difficulty I experience in supporting my family upon my present income, with an earnest hope that my case may receive their favorable consideration.

To meet a difficulty which has been mentioned in reference to my present

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application, I would briefly remark that, while the Library of the House of Commons is not so extensive as our own, the Salaries paid to the Officers in charge, as will appear by the extract below,* are considerably greater and are wholly incommensurable with their mere duties as custodians of the Books; for the reason that those Gentlemen do, in fact, render valuable services to Members, in furtherance of the Public Business generally. If, therefore, it be considered, that the assistance I am in the habit of rendering to Members entitles me to additional remuneration, such an extra allowance would be amply justified by the usage in England, and could be given without detriment to the position of Doctor Winder, the Principal Librarian, inasmuch as my extra services have no especial connection with the charge of the Library.

Respectfully submitting my case to the justice and liberality of the Committee, I beg to subscribe myself, Gentlemen,

Your obedient humble servant,

Alpheus Todd.

P.S.--I would also state that I prepare annually the "Summary of the Proceedings of the House," a document which is forwarded to Members soon after the close of every Session.

We beg to recommend the application now made by Mr. Todd, the Assistant Librarian.

J.S. Macdonald, Speaker.

W.B. Lindsay, Clerk Assembly.

Ordered, That the said Report be printed.

Ordered, That the said Report be committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Cartier reported, That the Committee had made some progress, and directed him to move

*Extract from Estimates of Salaries of Officers of the House of Commons, for the year ending 31st March, 1845.--(From Sessional Papers, 1844, vol. 33, page 307):--

Librarian,.....	£920
Assistant Librarian,.....	400
Messenger,.....	140

for leave to sit again.

Ordered, That the Committee have leave to sit again To-morrow.

The Order of the day for the second reading of the Bill to amend and explain the Act authorizing the issue of Debentures for giving relief to the City of Quebec, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Taché reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Taché reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Tessier do carry the Bill to the Legislative Council, and desire their concurrence.

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The Order of the day for the second reading of the Bill for the establishment of a Line of Steam Vessels between this Province and the United Kingdom, being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Chabot do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill relating to the Fisheries on the Labrador and North Shore of the Gulf of St. Lawrence, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Malloch reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Malloch reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Act incorporating the Provincial Mutual and General Insurance Company of the City of Toronto; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Laurin reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Laurin reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to amend the Act for the Incorporation of the Provincial Mutual and General Insurance Company of the City of Toronto."

Ordered, That Mr. Ridout do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to prevent fishing with Gill Nets for Trout and other Fish in the Lakes within the County of Saguenay; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Clapham reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The House, according to Order, resolved itself into a Committee on the Bill to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stanford to make By-Laws for the better government of that part of said Township which lies in

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the immediate vicinity of the Falls of Niagara; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received To-morrow.

The Order of the day for the second reading of the Bill to facilitate the admission in evidence of Foreign Judgments and certain official and other documents, and otherwise to improve the Law of Evidence in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Stuart, the Honorable Mr. Badgley, Mr. Cartier, Mr. Polette, and Mr. Sanborn, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to facilitate the examination of Witnesses in Civil Causes in Lower Canada, being read;

The Bill was accordingly read a second time; and referred to a Select Committee, composed of Mr. Stuart, the Honorable Mr. Badgley, Mr. Cartier, Mr. Polette, and Mr. Sanborn, to report thereon with all convenient speed; with power to send for persons, papers, and records.

The Order of the day for the second reading of the Bill to amend and consolidate the provisions contained in the Ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town, being read;

Ordered, That the Bill be read a second time on the fifteenth of February next.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Act, intituled, "An Act to incorporate the Orphan's Home

and Female Aid Society, Toronto;" and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Boulton reported, That the Committee had gone through the Bill, and made an amendment thereunto.

Ordered, That the Report be now received.

Mr. Boulton reported the Bill accordingly; and the amendment was read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Ridout do carry the Bill to the Legislative Council, and desire their concurrence.

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Bill from the Legislative Council, intituled, "An Act to amend the Law relating to the Recorder's Court of the City of Montreal," be now read a second time;

Mr. Lyon moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "That" to the end of the Question be left out, in order to add the words "the remaining Orders of the day be postponed until To-morrow" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Brown, Burnham, Clapham, Gamble, Gouin, Jobin, Lyon, Macdonald of KINGSTON, Mackenzie, Malloch, Marchildon, McDougall, Mongenais, and Stuart.--(15.)

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Messieurs Badgley, Cameron, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Fournier, Hincks, LaTerrière, Laurin, McDonald of CORNWALL, Morin, Morrison, Attorney General Richards, Robinson, Rolph, Seymour, Stevenson, Taché, White, and Wright of East Riding of YORK.--(21.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill from the Legislative Council, intituled, "An Act to amend the Law relating to the Recorder's Court of the City of Montreal," be now read a second time.

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Drummond do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same, without any Amendment.

The Order of the day for the second reading of the Bill to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth, and Bruce, and for other purposes therein mentioned, being read;

The Bill was accordingly read a second time.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Cameron do carry the Bill to the Legislative Council, and desire their concurrence.

Ordered, That the remaining Orders of the day be postponed until Tomorrow.

Then, on motion of Mr. Lyon, seconded by Mr. Mackenzie,
The House adjourned.

[NOTICE OF MOTION RE: BROCK MONUMENT BUILDING COMMITTEE.]

SIR A. MACNAB [gave notice that he would introduce a] Bill to indemnify the Brock Monument Building Committee, and for other purposes therein mentioned.⁹⁷

[NOTICE OF MOTION RE: EDUCATION IN LOWER CANADA.]

MR. SICOTTE [gave notice that he would move for a] Special Committee to inquire into the State of Instruction in Lower Canada, the working of the School Law, the effectiveness of the Department of Instruction in Lower Canada, and the means of rendering more effective the Legislative enactments adopted for the advancement of Instruction, with power to send for papers, records, and persons, and that this Committee be composed of the following gentlemen: The Hon. Mr. Drummond, Messrs. Egan, Cartier, Polette, Lacoste, Sanborn, and the Mover.⁹⁸

[NOTICE OF MOTION RE: EMIGRATION.]

MR. CLAPHAM [gave notice that he] will move certain Resolutions on the subject of Emigration, and the appointment of a Provincial Emigrant Agent to reside in the United Kingdom.⁹⁹

[NOTICE OF MOTION RE: RAILWAY FROM GEORGIAN BAY TO VAUDREUIL.]

MR. MONGENAIS [gave notice that he would introduce a] Bill to incorporate a Company for the purpose of constructing a Railway from some part of the Georgian Bay on Lake Huron, touching at the Towns of Peterborough, Perth and Bytown, and thence to join the Main Trunk Railroad at Vaudreuil.¹⁰⁰

[NOTICE OF MOTION RE: GREAT NORTHERN TRUNK RAILWAY.]

MR. EGAN [gave notice that he would introduce a] Bill to incorporate a Company to construct a Railway from Quebec to the Georgian Bay, passing through Three Rivers, Montreal, Hull, Bytown, Carleton Place, and Peterborough, to be called the Great Northern Trunk Railway of Canada.¹⁰¹

[NOTICE OF MOTION RE: CANADA CENTRAL RAILWAY COMPANY.]

MR. LYON [gave notice that he would introduce a] Bill to incorporate the Canada Central Railway Company, from the City of Quebec to Georgian Bay, by the route of the North Shore of the River St. Lawrence, Hawkesbury, Perth and Peterborough.¹⁰²

[NOTICE OF ADDRESS RE: LONG SAULT AND CARILLON RAPIDS.]

MR. EGAN [gave notice that he would move for an] Address to His Excellency the Governor General, praying that he will recommend to this House, that a sum of money be granted to improve Long Sault and Carillon Rapids on the River Ottawa, for the purpose of facilitating the descent of Timber, Deals, and Saw Logs.¹⁰³

[NOTICE OF ADDRESSES RE: SURVEYS IN OTTAWA COUNTY.]

MR. EGAN [gave notice that he would move] Addresses to His Excellency, for certain information relative to Surveys in the County of Ottawa.¹⁰⁴

[NOTICE OF ADDRESS RE: OFFICE OF COMMISSIONER OF CROWN LANDS.]

MR. BOULTON [gave notice that he would move for an] Address to His Excellency, praying that he will cause to be laid before this House, copies of all Correspondence relative to the resignation of the Office of Commissioner of Crown Lands, by the Hon. James Hervey Price, and the acceptance thereof by the Hon. John Rolph, and giving the dates of such resignation and acceptance respectively.¹⁰⁵

[NOTICE OF QUESTION RE: STATEMENT OF MONEY RECEIVED BY OFFICERS OF JUSTICE.]

MR. STUART [gave notice that he would make an] Enquiry of [the] Ministry, how it has happened that no Return has yet been received of an Address of this House, of the 3rd Septem. last, for a Statement of sums of money received by each of the Officers of Justice in Lower Canada, under the 13th and 14th Vic. Chap. 37, assigning fixed annual salaries to such Officers, and forming a Special Fund out of the salaries attached to their offices, and other information as to the working of that Act.¹⁰⁶

[NOTICE OF QUESTION RE: QUEBEC DOCK AND HARBOR.]

MR. STUART [gave notice that he would make an] enquiry of [the] Ministry, how it has happened that no Return has as yet been made to an Address of this House, of the 20th September last, for information respecting the making of a safe Dock and Harbor for Shipping at the Port of Quebec, and the Survey of the River St. Charles, and the granting of Beach and deep water Lots, and other objects mentioned in that Address.¹⁰⁷

[NOTICE OF QUESTION RE: QUEBEC MARINE HOSPITAL.]

MR. STUART [gave notice that he would make an] enquiry of [the] Ministry, how it has happened that no Return has as yet been made to an Address of this House, of the 4th of October last, for a copy of Instruments appointing Trustees for the erection of an Hospital for the reception of sick Seamen, and other indigent sick persons in the City of Quebec, and appointing Managers of the Marine Hospital, and Commissioners of the Emigrant Hospital at Quebec, the rules and regulations for the management thereof, and the authority under which the Managers and Commissioners were appointed.¹⁰⁸

[NOTICE OF QUESTION RE: QUEBEC CUSTOM HOUSE BUILDING.]

MR. STUART [gave notice that he would make an] enquiry of [the] Ministry, how it has happened that no Return has as yet been made to an Address of this House, of the 4th October last, for documents respecting the Building erected in the Lower Town of Quebec to be the Custom House, and Correspondence respecting the removal of the Custom House Department to any other building, authority for the occupation of the Custom House as a Barrack by the Water Police, and reference and report whether it will accommodate the proposed Provincial School of Navigation, and Report of measures adopted for erection of a new Custom House, with Plans and Estimates, if any.¹⁰⁹

[NOTICE OF QUESTIONS RE: UNINDEMNIFIED REBELLION LOSSES.]

MR. LEBLANC [gave notice that he would make an] enquiry of [the] Ministry, whether Government admits that the Act 12th Vic. chap. 58, intituled, "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion, in the years one thousand eight hundred

and thirty-seven; and one thousand eight hundred and thirty-eight," had in view the indemnification of every person who has suffered losses by the total or partial, unjust, useless, or malicious destruction of his houses, buildings, property and effects, and by the seizure, pillage, or carrying away of his property and effects in the suppression of the Rebellion, if such person had not been convicted or banished as specified in the proviso to the preamble of the Act aforesaid.

Whether, admitting such intention, the Government does not regard as absolutely illegal, null, and a violation of vested rights, the exclusions from the benefit of indemnity contrary to the aforesaid principle, inasmuch as they are made out because the losses suffered by such persons having neither been convicted nor banished, were not unjust, useless, or malicious, that is to say, not the necessary effect of the resistance made by them to the troops or of any other Act of participation in the Rebellion which was a necessary cause thereof; but because such persons did some of them, take part in the Rebellion without establishing that such participation was an immediate cause of their losses aforesaid, and others for such participation, or because they had been held to be disloyal, by the Commissioners under the Ordinance 1 Vic. chap. 7, although the aforesaid Act 12 Vic. chap. 58, had established no incapacity to receive (fin de non recevoir) such indemnity for such causes.

Whether, regarding their exclusions as being illegal and null, and as being a violation of the rights accruing under the Act aforesaid to the claimants illegally excluded, the Government, with a view to fulfil towards them the promise or pledge therein mentioned, intends to do one and which of the following things?

1st. To pay the claimants illegally excluded, together with those not excluded, out of the monies appropriated for the indemnification of unjust, useless, or malicious losses, by paying the losses of the claimants excluded as stated by the Commissioners, according to the amount at which they are so stated, and those not so stated according to the amount proved in detail in the Journal of the Commissioners.

2nd. To delay the payment of the said losses, until the claimants illegally excluded can have caused the Acts of exclusion to be set aside by competent Tribunals.

3rd. To retain out of the monies payable to all the claimants who have suffered losses unjustly, uselessly, or maliciously, that part of the said monies which belongs to the said claimants illegally excluded, until they shall have caused the Acts excluding them to be set aside, as aforesaid, save and except only the case of their failing to do so, and in that case to distribute amongst the claimants who are not excluded, the monies of such claimants so excluded, who have not caused the said Acts of exclusion to be set aside.

4th. To ask from Parliament at its meeting in February next, a new appropriation of monies for the indemnification of the losses of the said claimants illegally excluded.¹¹⁰

MR. LEBLANC [also gave notice that he would make an] enquiry of [the] Ministry, whether, after having received the report of the Commissioners in January, and after having seen, by the reasons assigned in the Acts of exclusion, and by the Acts of dissent from the said Acts of exclusion annexed to the Report, the illegality and the absolute nullity of the exclusions, supposing that the Government admits the intention of the law to be as above stated, it (Government) has given notice of the exclusions to the parties interested in order to give them an opportunity of defending themselves, if the Government do not think proper to set aside those exclusions on account of their illegality

and absolute nullity as aforesaid, and if such notice has not been given, what justifiable reason it has had for not giving it, consistent with the duty of protection, which it owes to such claimants illegally excluded by reason of its knowledge of such exclusion, and the ignorance of the claimants thereof. Also, whether there have not been claimants who had required copies of the proceedings on claims, in order, to ascertain whether they were excluded, with a view to their defence; and whether Government has granted such copies; and in case it has not so granted them, what reason has influenced it to refuse them, if it was not proposed to acknowledge the complete illegality and nullity of the exclusion of these claimants, supposing it to have taken place, and to provide a remedy therefore?¹¹¹

[QUESTION AND ANSWER RE: DR. ROLPH'S ACCEPTANCE OF OFFICE.]¹¹²

MR. BOULTON enquired of the Ministry at what time Dr. Rolph accepted the situation of Crown Land Commissioner.¹¹³

MR. INSP. GEN. HINCKS replied that the acceptance of office by Mr. Rolph was in writing, at a date later than the 20th September he believed. He was not quite sure of the date, but for the hon. member's purpose, it made of course very little difference whether it was the 20th, 25th, or 27th September. It would be sufficient for him to know that it was a period anterior to the date of the Commission.¹¹⁴

MR. BOULTON had heard it stated that it was anterior to Mr. Price's resignation.¹¹⁵

MR. INSP. GEN. HINCKS could assure the hon. gentleman that he had heard what was wrong. There was no communication with Mr. Rolph until after Mr. Price's resignation. There was not, of course, during the year 1851, more than one Commissioner of Crown Lands at one time. Mr. Price had been paid his salary up to the 27th October, because the new commission was not issued until that day. Mr. Price had rendered his resignation early in 1851, at a much earlier date than 20th September.¹¹⁶

MR. COM. PUB. WORKS CHABOT replied to the fifth question, that he had received £25 for travelling expenses, being the actual amount of expenditure. Mr. Bourret had received no allowance.¹¹⁷

MR. INSP. GEN. HINCKS said, the member for Toronto would observe that the difference in the amount respectively received by Messrs. Chabot and Rolph, was caused by the fact that Mr. Chabot had not removed his family to the seat of Government; whereas Dr. Rolph had done so.¹¹⁸

FOOTNOTES: 8 NOVEMBER 1852.

1. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852.
2. MORNING CHRONICLE, 10 November 1852.
3. IBID.
4. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852. This matter was also reported by GLOBE, 23 November 1852.
5. MORNING CHRONICLE, 10 November 1852. QUEBEC GAZETTE, 8 November 1852, commented that: "The House met this morning at 10 o'clock, but the greater part of the morning was taken up in disposing of the motions of Mr. McKenzie for information which it was not in the power of the Government to give, and for other matters the desirableness of which no member but himself could understand."
6. GLOBE, 23 November 1852.
7. MORNING CHRONICLE, 10 November 1852, noted that "Mr. Mackenzie ... [voted] alone among the ayes."
8. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, QUEBEC GAZETTE, 12 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852. The debate was also reported by GLOBE, 23 November 1852. A commentary appeared in QUEBEC GAZETTE, 8 November 1852.
9. MORNING CHRONICLE, 10 November 1852.
10. IBID.
11. IBID.
12. IBID.
13. GLOBE, 23 November 1852.
14. MORNING CHRONICLE, 10 November 1852.
15. GLOBE, 23 November 1852.
16. MORNING CHRONICLE, 10 November 1852.
17. GLOBE, 23 November 1852.
18. MORNING CHRONICLE, 10 November 1852.
19. GLOBE, 23 November 1852.
20. MORNING CHRONICLE, 10 November 1852.
21. IBID.
22. GLOBE, 23 November 1852.
23. MORNING CHRONICLE, 10 November 1852.
24. GLOBE, 23 November 1852.
25. MORNING CHRONICLE, 10 November 1852.
26. GLOBE, 23 November 1852.
27. QUEBEC GAZETTE, 8 November 1852.
28. GLOBE, 23 November 1852.
29. QUEBEC GAZETTE, 8 November 1852.
30. MORNING CHRONICLE, 10 November 1852.
31. IBID.
32. GLOBE, 23 November 1852.
33. MORNING CHRONICLE, 10 November 1852.
34. GLOBE, 23 November 1852.
35. MORNING CHRONICLE, 10 November 1852.
36. GLOBE, 23 November 1852.

37. MORNING CHRONICLE, 10 November 1852.
38. GLOBE, 23 November 1852.
39. QUEBEC GAZETTE, 8 November 1852.
40. GLOBE, 23 November 1852.
41. MORNING CHRONICLE, 10 November 1852.
42. GLOBE, 23 November 1852.
43. IBID.
44. MORNING CHRONICLE, 10 November 1852.
45. GLOBE, 23 November 1852.
46. MORNING CHRONICLE, 10 November 1852.
47. GLOBE, 23 November 1852.
48. IBID.
49. MORNING CHRONICLE, 10 November 1852.
50. GLOBE, 23 November 1852.
51. MORNING CHRONICLE, 10 November 1852.
52. GLOBE, 23 November 1852.
53. MORNING CHRONICLE, 10 November 1852.
54. IBID.
55. GLOBE, 23 November 1852.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, QUEBEC GAZETTE, 12 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852.
62. MORNING CHRONICLE, 10 November 1852.
63. IBID.
64. IBID.
65. IBID.
66. IBID.
67. The following papers reported the debate on this matter in partially identical accounts: MORNING CHRONICLE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, QUEBEC GAZETTE, 12 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852. The debate was also reported by GLOBE, 23 November 1852. It was noted by QUEBEC GAZETTE, 8 November 1852.
68. MORNING CHRONICLE, 10 November 1852.
69. GLOBE, 23 November 1852.
70. IBID.
71. IBID.
72. MORNING CHRONICLE, 10 November 1852.
73. GLOBE, 23 November 1852.
74. MORNING CHRONICLE, 10 November 1852.
75. GLOBE, 23 November 1852.
76. IBID.
77. IBID.
78. IBID.
79. MORNING CHRONICLE, 10 November 1852.
80. GLOBE, 23 November 1852.
81. MORNING CHRONICLE, 10 November 1852.

82. GLOBE, 23 November 1852.
83. MORNING CHRONICLE, 10 November 1852.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. GLOBE, 23 November 1852.
90. IBID.
91. IBID.
92. MORNING CHRONICLE, 10 November 1852.
93. The following papers reported the exchange on this matter in identical accounts: MORNING CHRONICLE, 10 November 1852, MONTREAL GAZETTE, 11 November 1852, QUEBEC GAZETTE, 12 November 1852, PILOT, 13 November 1852, BRITISH COLONIST, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 18 November 1852.
94. MORNING CHRONICLE, 10 November 1852.
95. IBID.
96. MONTREAL GAZETTE, 11 November 1852.
97. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
98. IBID.
99. IBID.
100. IBID.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.
110. IBID.
111. IBID.
112. This question and answer was reported by GLOBE, 23 November 1852. It was noted by QUEBEC GAZETTE, 8 November 1852.
113. GLOBE, 23 November 1852.
114. IBID.
115. IBID.
116. IBID.
117. IBID.
118. IBID.

TUESDAY, 9 NOVEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--
By Mr. Brown,--The Petition of Patrick Loughry and others; and the Petition of William King and others, of the Township of Bristol, County of Ottawa.

MR. EGAN¹ moved for a return of all improvements to the Ottawa timbering county effected by private enterprise.²

MR. BOULTON said that this was a most absurd motion. How could the government know what improvements were made by private enterprise? It was a mere attempt to show that certain gentlemen had laid out large sums of money; but they might state what they pleased, the government could know nothing about it.³

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On motion of Mr. Egan, seconded by Mr. Stuart,
Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will cause the proper Officer to lay before this House, such information as he may be able to obtain with reference to the improvements made on the Ottawa and its tributaries, to facilitate the descent of

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timber or logs by private enterprize, the nature of such works on the different tributaries, in booms, slides, piers, &c., by whom constructed, and when, and the probable cost of the same; also, the different Saw-Mill establishments on the Ottawa and its tributaries, the name of the owner, and the probable cost of the same.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Stuart, seconded by Mr. Clapham,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that he will cause to be laid before this House, all information and documents respecting an application made by the Honorable John Robertson, of St. John, New Brunswick, to the Crown Land Department of Canada, in or about the month of June, 1851, for Licenses to cut timber on the vacant Crown Lands in the Counties of L'Islet, Kamouraska, and Rimouski,--the timber limits to be bounded on the south-east by the boundary line drawn under the Treaty of Washington, from the discharge of Lake Pohemgamook on the River St. Francis to the north-west branch of the River St. John, and a prolongation thereof to the outlines of the Seigniorie of Lake Temiscouata; on the north-east by the outlines of the Seigniorie; on the south-west by the north-west branch of the River St. John, and on the north-west by the heights of land separating the waters of the St. Lawrence from those of the St. John; with a copy as well of the application so made, as of a plan or sketch of the ground embraced within the foregoing limits, prepared by Mr. Devine the draftsman, and filed in the Crown Land Office with the application, and copies of all other papers and documents connected therewith; a copy of the appointment of Francis Rice, Esquire, as the Crown Land Agent at Madawaska; a copy of the regulation for disposing of the timber on Crown Lands, which came into force on the 5th of September, 1849; copies of all letters whether from the late Commissioner of Crown Lands to Mr. Robertson, or to Jean Langevin, Esquire, the Corresponding Clerk in the Department, directing him to communicate with the local Agent on the subject; also, a copy of a letter from Mr. Rice, the local Agent, to Mr. Robertson, dated at Madawaska, the 12th of May, 1851; a copy of a letter written by Mr. Robertson to the late Commissioner of Crown Lands, on the 14th of the same month of July, enclosing the amount of

mileage on 1400 miles of Timber-berths or limits, and a copy of a letter from the Commissioner of Crown Lands, dated the 4th of August following, acknowledging the same; copies of two letters from Mr. Langevin to Mr. Rice, dated respectively the 11th and 18th of the same month of August; with a copy of the new timber regulations referred to in the last mentioned letter; copies of three letters from the Crown Land Department to Mr. Rice, dated respectively 20th, 22nd and 25th August, 1851; a copy of a letter from Mr. Robertson to Mr. Rice dated the 20th September of the same year, and a copy of an account delivered by Mr. Rice to Mr. Robertson, dated at St. John, New Brunswick, the last mentioned day, and signed by Mr. Rice as such sub-agent; copies of the several Licences granted to Mr. Robertson, and of the securities furnished according to the terms of the last mentioned regulations; copy of a letter from Mr. Robertson to Mr. Rice, dated St. John, 27th November, 1851, and a copy of a letter from Mr. Rice to Mr. Robertson, dated Little Falls, Madawaska, 26th of the same month of November; copies of any letters written by Mr. Robertson either to Mr. Rice or to the Commissioner of Crown Lands, in the month of December following; also of a telegraphic despatch from John A. Torney, styling himself Crown Land Agent, addressed to Mr. Robertson from Rivière du Loup, on the 5th April, 1852, and of another sent in answer thereto by Mr. Robertson to Mr. Torney, from St. John, on the same day: copies of all

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subsequent Correspondence between Mr. Robertson and the Commissioner of Crown Lands; copy of Mr. Torney's appointment, if any, as such Agent, with copies of the instructions given to him; copies of any representations made by any parties in relation to the said limits, or the timber cut thereupon, with a view to obtain the seizure of such timber; and praying also, that His Excellency will be pleased to communicate to this House the steps taken by or under directions from the Executive Government or the Crown Land Department, in consequence of such representations or otherwise; and generally, all papers, documents, and information, relating to the differences between Mr. Robertson and the Executive Government of this Province.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

On motion of Mr. Stuart, seconded by Mr. Egan,

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to lay before this House, a copy of a Despatch from His Excellency to the Right Honorable Sir John S. Pakington, Her Majesty's Principal Secretary of State for the Colonies, dated the 1st April last, forwarding a Communication from Mr. Joly, Chairman of the Quebec and Montreal Railway Committee, praying that the north shore of the St. Lawrence, from Quebec to Montreal, be adopted for the main Trunk Line, to form a portion of the Great Provincial Railway to be constructed by the North American Provinces, with the aid of a Provincial or Imperial guarantee, and copies of the Memorial and documents enclosed with it; and also, a copy of a Despatch from Sir John S. Pakington, dated the 27th of the same month of April, acknowledging the receipt of the Papers so transmitted by His Excellency.

Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are of the Honorable the Executive Council of this Province.

Ordered, That Mr. Stuart have leave to bring in a Bill to provide more effectually for the publication of Law Reports in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on

the fourteenth of February next.

Ordered, That the Petition of the Quebec Board of Trade, relative to Actions at law in formā pauperis, be printed for the use of the Members of this House.

Ordered, That Mr. Stuart have leave to bring in a Bill to incorporate the St. Roch's Reading Room.

He accordingly presented the said Bill to the House, and the same was received and read for the first time; and ordered to be read a second time on the fourteenth of February next.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to incorporate the Pickering Harbour and Road Joint Stock Company, being read;

Mr. Wright of the East Riding of York moved, seconded by Mr. Hartman, and the Question being proposed, That the Report be now received;

Mr. Dixon moved in amendment to the Question, seconded by Mr. Clapham, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of further amending the same" instead thereof;

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. Christie of Gaspé reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Wright of the East Riding of York do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Prince, from the Committee to whom it was referred to consider of the Motion made yesterday, That a Supply be granted to Her Majesty, reported a Resolution; which was read, as followeth:--

Resolved, That a Supply be granted to Her Majesty.

The said Resolution, being read a second time, was agreed to.

Resolved, That this House will, this day, resolve itself into a Committee to consider of the Supply granted to Her Majesty.

Ordered, That the Message of His Excellency the Governor General transmitting to this House the Estimates of the sums required for the service of the year 1852, together with the said Estimates, be referred to the said Committee.

Mr. Clapham reported the Bill to prevent fishing with Gill Nets for Trout and other Fish in the Lakes within the County of Saguenay; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to prevent fishing with Seines and other Nets for Trout and other Fish in the Lakes within the County of Saguenay."

Ordered, That the Honorable Mr. LaTerrière do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Mackenzie reported the Bill to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Town-

ship of Stamford to make By-Laws for the better government of that part of said Township which lies in the immediate vicinity of the Falls of Niagara; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-Laws for the better government of that part of the said Township which lies in the immediate vicinity of the Falls of Niagara."

Ordered, That Mr. Street do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee on the Bill to amend the Registry Laws of Upper Canada; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Stuart reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be received this day.

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A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to incorporate the St. Mary's College of Montreal:"

Bill, intituled, "An Act to amend the Act extending the powers of the British America Fire and Life Assurance Company in Marine Assurance:"

Bill, intituled, "An Act for the relief of John Knatchbull Roche, of the Town of Port Hope, in the County of Durham, Provincial Land Surveyor:"

Bill, intituled, "An Act to incorporate the Hamilton and Toronto Railway Company:"

Bill, intituled, "An Act to authorize the construction of a Railway from Galt to Guelph:"

Bill, intituled, "An Act to empower any Railway Company whose Railway forms part of the main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies:"

Bill, intituled, "An Act to provide for the incorporation of a Company to construct a Railway from opposite Quebec to Trois Pistoles, and for the extension of such Railway to the Eastern frontier of this Province:"

Bill, intituled, "An Act to amend the Act to incorporate certain persons under the name of the Quebec Friendly Society:"

Bill, intituled, "An Act to amend an Act, intituled, 'An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the Quebec Benevolent Society, under certain restrictions, rules, and regulations therein mentioned:'" And also,

The Legislative Council have passed the Bill, intituled, "An Act to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have passed the Bill, intituled, "An Act to incorporate the Grand Junction Railroad Company," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have agreed to the Amendments made by this House to the Bill, intituled, "An Act to amend the Act passed in the Session held in the

fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,' " without any Amendment.

And then he withdrew.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich;" and the same were read, as follow:--

Page 1, line 22. After "were" insert "therein," and leave out from "effect" to "and" in line 23, and insert "thereof."

Page 1, line 44. Leave out from "printed" to "published," and after "published" insert "and passed."

Page 2, line 41. Leave out "henceforth."

Page 7, line 42. After "be" where it occurs the second time, insert "a." The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Cameron do carry back the Bill to the

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Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to provide for the improvement and enlargement of the Harbour of Montreal, and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes," with several Amendments, to which they desire the concurrence of this House: And also,

The Legislative Council have agreed to the Amendment made by this House to the Bill, intituled, "An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office," without any Amendment: And also,

The Legislative Council have agreed to the Address to Her Majesty on the subject of a Railway from Quebec to Halifax, by filling up the blank with "the Legislative Council and": And also,

The Legislative Council have passed the accompanying Address to His Excellency the Governor General, praying that His Excellency will cause to be transmitted the Address to Her Majesty on the subject of a Railway from Quebec to Halifax, in such a way as His Excellency may deem fit, in order that the same may be laid at the foot of the Throne; to which they desire the concurrence of this House:--

To His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Knight of the Most Ancient and Most Noble Order of the Thistle, Governor General of British North America, and Captain General and Governor in Chief in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c., &c., &c.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal Subjects, the Legislative Council and of Canada, in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address to Her Most Gracious Majesty on the subject of a Railway from Quebec to Halifax, in such a way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

And then he withdrew.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to incorporate the Grand Junction Railroad Company;" and the same were read, as follow:--

Page 1, line 22. Leave out "and."

Page 1, line 23. After "Henry Bull" insert "and."

Page 2, line 9. Leave out from "Peterborough" to "and" in line 10.

Page 2, line 29. Leave out from "with" to "of" and insert "copies."

Page 2, line 32. Leave out "shall" and insert "to."

The said Amendments, being read a second time, were agreed to.

Ordered, That Mr. Langton do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

The House proceeded to take into consideration the Amendments made by the Legislative Council to the Bill, intituled, "An Act to provide for the improvement and enlargement of the Harbour of Montreal, and for the deepening of Lake

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St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes;" and the same were read, as follow:--

Page 2, line 38. Leave out from "desirable" to "for."

Page 2, line 39. After "Harbour" insert "to commit."

Page 2, line 42. After "in" where it occurs the second time, insert "the."

Page 3, line 28. After "expedient" insert "by."

Page 3, line 39. Leave out "said."

Page 3, line 44. Leave out "Parliament" and insert "Legislature."

Page 3, line 51. Leave out "said" where it occurs the first time.

Page 5, line 17. Leave out "or."

Page 5, line 18. After "consignee" insert "or shipper."

Page 8, line 1. Leave out from "applied" to "by."

Page 9, line 14. Leave out "unforeseen."

Page 9, line 30. After "the" where it occurs the first time, insert "Provincial."

Page 11, line 15. Leave out "then."

Page 12, line 7. After "the" insert "Provincial."

Page 12, line 11. Leave out "so."

Page 12, line 31. Leave out "five" and insert "six."

Page 14, line 4. After "Court" insert "at Montreal."

Page 14, line 11. After "Court" insert "at Montreal."

In the Schedule to the Bill.

Page 14, line 26. After "on" insert "all other," and leave out from "Vessels" to "4d." in line 27 and insert "measuring fifty tons and upwards per ton of their burthen per Register, for each day of twenty-four hours they remain in Port, reckoned from the hour of their arrival to that of their departure."

Page 14, line 28. After "day" insert "as aforesaid."

Page 14, line 29. After "on" insert "all other" and leave out from "Vessels" to "6d." and insert "measuring under fifty tons per day, as aforesaid."

Page 14, line 35. Leave out "do" and insert "per hundred minots."

Page 14, line 36. Leave out "do" and insert "per hundred minots."

Page 14, line 37. Leave out "do" and insert "per hundred minots."

Page 14, line 39. Before "half" insert "Flour per."

Page 14, line 46. Leave out "do" and insert "per hundred pieces."

Page 14, line 47. Leave out "do" and insert "per hundred pieces."

Page 14, line 48. Leave out "do" and insert "per hundred pieces."

Page 15, line 1. Leave out "do" and insert "per hundred pieces."

Page 15, line 5. Before "Puncheon" insert "Staves," and leave out "do" and insert "per mille."

Page 15, line 6. Before "Standard" insert "Staves" and leave out "do" and insert "per mille."

Page 15, line 7. Leave out from "Timber" to "per."

Page 15, line 8. Leave out "Bottoms" and insert "Frames."

Page 15, line 10. Leave out "do" and insert "per cord."

Page 15, line 12. Leave out "do" and insert "each."

Page 15, line 13. Leave out "do" and insert "each."

Page 15, line 14. Leave out "do" and insert "each."

Page 15, line 15. Leave out "do" and insert "each."

The said Amendments, being read a second time, were agreed to.

Ordered, That the Honorable Mr. Badgley do carry back the Bill to the Legislative Council, and acquaint their Honors that this House hath agreed to their Amendments.

A Bill to amend the Act incorporating the Bytown and Prescott Railway Company, was, according to Order, read the third time.

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Resolved, That the Bill do pass.

Ordered, That Mr. Patrick do carry the Bill to the Legislative Council, and desire their concurrence.

Mr. Speaker communicated to the House the following Letter:--

Government House,

Quebec, 9th November, 1852.

Sir,--I have the honor, by command of the Governor General, to inform you that it is His Excellency's intention to proceed to the Legislative Council Chamber, To-morrow at one o'clock, to assent in Her Majesty's Name, to certain Bills passed by the Legislative Council and Legislative Assembly.

I have the honor to be, Sir,

Your most obedient humble Servant,

R. Bruce,

Governor's Secretary.

The Honorable The Speaker
of the Legislative Assembly.

On motion of Mr. Street, seconded by Mr. McDougall,

Ordered, That the Select Committee on the Prince Edward Election Petition, have leave to adjourn until the eighteenth day of February next, owing to the adjournment of this House from To-morrow until that period, and in order to give the Parties an opportunity of procuring evidence, and the attendance of Witnesses.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kanouraska, informed the House, that Louis Lacoste and Edward Short, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

Mr. Boulton, from the Select Committee to which were referred the Returns presented on the 19th October instant, relative to the reduction of Duties on Red Pine Timber, presented to the House the Report of the said Committee; which was read.

MR. BOULTON ... was going on to state that the report was a most important one, as it showed the mode of conducting business in the Crown Lands department, which he said was a most extraordinary one, when--⁴

He was interrupted by MR. J.S. MACDONALD the SPEAKER as being out of order.⁵

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For the said Report, see Appendix (A.A.A.)

Ordered, That the said Report be printed for the use of the Members of this House.

The Order of the day for receiving the Report of the Committee of the whole House on the Bill to amend the Registry Laws of Upper Canada, being read;

The Honorable Mr. Attorney General Richards moved, seconded by the Honorable Mr. Hincks, and the Question being proposed, That the Report be now received;

Mr. Boulton moved in amendment to the Question, seconded by Mr. Ridout, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be referred to a Select Committee to take evidence as to the best mode of equalizing the remuneration of Registrars throughout the Province, proportioned to their labors, and as to the propriety of funding the Fees received by the Registrars throughout the Province, and fixing the remuneration to be paid to each officer annually" instead thereof;

MR. BOULTON ... objected to the bill, because he said he thought they ought not to be frequently tampering with the laws, as nothing was more calculated to impair confidence in the public mind, than repeated changes. There ought to be a principle adopted with reference to public officers; and alterations ought not to be suggested from time to time. There was no necessity for hurry in relation to the bill, which should be referred to a select Committee, to ascertain in what manner the payment of public officers could be best secured for their services. He was prepared to admit that there are many who receive excessive salaries, and that the footing on which registrars stand, is not sound. He was not sure but Municipal Councils could regulate the fees. He considered it a measure of too much importance to be pressed through the House, particularly as it was understood, that such business as was absolutely necessary could be taken up, and if the bill were deferred till February, farther applications would be presented. It appeared to him that the office of registrar would be so much affected, as not to be worth holding.⁶

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And the Question being put on the Amendment:--It passed in the Negative.

And the Question being again proposed, That the Report be now received;

Mr. Gamble moved in amendment to the Question, seconded by Mr. Hartman, That all the words after "That" to the end of the Question be left out, in order to add the words "the Bill be recommitted to a Committee of the whole House, for the purpose of leaving out the words 'every Registrar in Upper

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Canada shall be allowed the following Fees, and no more, that is to say' in the fifth Clause of the Bill, and inserting the words 'it shall and may be lawful for the County Councils, by By-Law to be passed for that purpose, to establish a scale of Fees to be allowed to the Registrars in their Counties respectively, for the duties they are required to discharge, either by this or any other Act of this Province, and that until such scale be established by such By-Law as aforesaid, the following Fees shall be taken by the Registrars for the duties discharged by them'" instead thereof;

And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

YEAS.

Messieurs Boulton, Gamble, and Hartman.--(3.)

NAYS.

Messieurs Brown, Burnham, Cartier, Chabot, Chapais, Solicitor General

Chauveau, Christie of WENTWORTH, Clapham, Crawford, Attorney General Drummond, Egan, Fortier, Fournier, Gauin, Hincks, Jobin, Langton, LaTerrière, Laurin, Lemieux, Lyon, Macdonald of KINGSTON, Mackenzie, Sir A.N. MacNab, Marchildon, McDougall, Mongenais, Morin, Paige, Patrick, Attorney General Richards, Ridout, Robinson, Rose, Seymour, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, White, Willson, and Wright of East Riding of YORK.--(44.)

So it passed in the Negative.

Then the main Question being put;

Ordered, That the Report be now received.

Mr. Stuart reported the Bill accordingly; and the amendments were read, and agreed to.

The Honorable Mr. Attorney General Richards moved, seconded by the Honorable Mr. Attorney General Drummond, and the Question being proposed, That the Bill be now read the third time;

The Honorable Mr. Robinson moved in amendment to the Question, seconded by Mr. Gamble, That the word "now" be left out, and the words "on the eighteenth of February next" added at the end thereof;

MR. ROBINSON opposed the third reading of the bill, and moved that it be deferred to February next, stating briefly the grounds of his objections.⁷

MR. AT. GEN. RICHARDS said the principal objection which was offered to the passage of the bill was, that the incomes of certain officers would be reduced, and that time should be afforded to ascertain the sentiments of the country, as to the amendments. These did not affect the principle, which would require consideration, or he would agree to postpone the measure. The bill was brought in, he said, as a Government measure, and he believed it to be a good one.⁸

MR. GAMBLE said, it was a mistake to suppose there were no applications for the measure, petitions having been presented from the county of York, during several years; and although the bill was not what he wanted, yet he was willing to accept it as an instalment; and hoped that, ultimately, the county councils would have the regulation of the fees. The reduction of these, he said, would benefit the community generally, and therefore he should support the bill.⁹

SIR A. MACNAB did not think the county councils paid anything for registering deeds, and he did not see why they should regulate the fees. He did not, however, approve of the principle of the bill, of which the Government must take the responsibility. In his opinion, the only register that would be affected materially would be the registrar of York and Simcoe, who was a person of seventy years of age, and who would be deprived of one-half of his income. Without giving any notice, the House was about to pass the bill, in a manner which might be considered as a species of pretty larceny.¹⁰

COL. PRINCE said, the object of the bill was to benefit the public, without injuring the incumbents in office; and to which he thought the registrars themselves would not object. It were better, however, to reduce their salaries, than that the public should continue to suffer.¹¹

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And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read the third time.

The Bill was accordingly read the third time.

On motion of the Honorable Mr. Attorney General Richards, seconded by the

Honorable Mr. Attorney General Drummond, a Clause (And be it enacted, that whenever, after the passing of this Act, a Deed or Conveyance shall be executed under and by virtue of a Letter or Power of Attorney from the grantee or grantors, a Memorial of such Letter or Power of Attorney may be registered, in the same manner and upon the same evidence as a Memorial of a Deed of Conveyance is now legally registered; and the Registrar shall be allowed the same Fees for recording the same, as for a Deed or Conveyance under this Act,) was thrice read; and added to the Bill.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Richards do carry the Bill to the Legislative Council, and desire their concurrence.

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On motion of the Honorable Mr. Hincks, seconded by the Honorable Mr. Macdonald,

Resolved, That this House doth concur in the Address of the Honorable the Legislative Council to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of a Railway from Quebec to Halifax, in such a way as His Excellency may deem fit, in order that it may be laid at the foot of the Throne; that the blank therein be filled up with the words "and Commons;" and that the said Address be signed by Mr. Speaker on behalf of this House.

Resolved, That a Message be sent to the Honorable the Legislative Council, acquainting their Honors that this House hath agreed to the Address to His Excellency the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of a Railway from Quebec to Halifax, by filling up the blank with the words "and Commons."

Ordered, That the Honorable Mr. Hincks do carry the said Message to the Legislative Council.

The Order of the day for the second reading of the Bill to make certain provisions with regard to Common Schools in Upper Canada, for a limited period, being read;¹²

MR. AT. GEN. RICHARDS said the Superintendent of Schools, was desirous of having certain alterations made in the present Act, before the next election of Trustees. At present the people meet, and decide how schools [sic] shall be supported; and the opinion was prevalent that the Legislature should determine the question. At present the people meet and decide whether there shall be free schools or not; the bill provides for a secondary election, and the Trustees will be elected with reference to their known opinions. This, he said, was the only important feature in the bill, and the only one which could create discussion. He believed there was a good deal of difference of opinion in Upper Canada on the subject, some thinking the law should remain as it is, and others that the schools should be supported by direct taxation. He did not think the public would agree upon a plan; and if it were left to Trustees to decide, it would most likely be settled satisfactorily, and when the votes could be taken regularly. All were interested, he said, in the practical working of the bill, and all were equally interested in general education. He thought the best plan would be to try the experiment, as to the working of the bill, and before the Legislature met after the adjournment, they would be able to ascertain the state of public opinion with reference to the bill.¹³

MR. LANGTON said, if any bill ought not to pass previous to the adjournment, the present was one of that description. The Attorney General had acknowledged that there exists a difference of opinion; and the only ground of passing it at present, was that it might be ascertained how it would work. It was to go into operation in the first week of January; and as the Legislature would meet

in February, time would not be afforded to give it a fair trial after all, the bill would not contain all the provisions which it should contain; and the effect would be to upset the whole system.¹⁴ The school act was constantly tinkered and changed, and nothing good came of such constant alterations.¹⁵ Ever since he had been in the country, the Legislature had been tampering with schools; and now a bill was to be passed which was to last three month[s], and the provisions it contained would not be in operation throughout the year. He did not wish at that time to go into the details of the bill; but knowing how deeply the people feel on the subject, and also the difference of opinion that exists, he thought the Attorney General could not pursue a more popular course, than by letting it lie over for three months.¹⁶

MR. INSP. GEN. HINCKS said the member for Peterborough estimated too highly the evils which resulted from the alterations in the school laws. He (Mr. H.) was of opinion, that in this and other¹⁷ great laws of the country¹⁸, they must be constantly improving; and from the operation of laws and increased experience, they must arrive at perfection. The Government, he said, did not entertain any doubt as to the expediency of the bill; if they had, they would not be anxious to carry it then; but as it was desirable that it should pass without opposition at this stage of the session, they had limited the bill to mere practical objects, and to prevent members from saying they had not sufficient information upon the subject, it was proposed to give it a temporary character. With reference to several of the clauses, the Government had been mainly induced to insert them, at the instance of the gentleman who presides over the common school education in Upper Canada, which had been suggested by the opportunities he had of ascertaining public opinion. He thought the provisions of the bill were of that nature, that they could be discussed at this time, and without any particular bias. If members found, on their return home, that public opinion was against it, they would have an opportunity of so stating at the next meeting of the Legislature; but he had every reason to believe that it would give general satisfaction to the country.¹⁹

MR. J.A. MACDONALD (Kingston) said he entertained a high opinion of the Superintendent of Common Schools, but he must be allowed to judge from his own means of information. He thought the bill should not be pressed through at present, and when it was passed, it should be a permanent measure; but the Government had not made up their minds to pursue that course.²⁰ [He] thought the introduction of a bill to last so short a time was absurd.²¹ Temporary laws, he said, were always bad, and the present bill would deprive the people of the power which they at present possessed. There was evidently a difference of opinion in the Province, and different kinds of schools would be wanted in different places. He was surprised that the liberal party would deprive the people of a power which they now exercised. Double elections were always bad, and it was better to get the direct voice of the people, and they ought not to elect others to do that which they could do themselves.²² It was no use thus to unsettle people's minds only for a few months.²³ He concluded by enumerating other grounds which induced him to oppose the passage of the bill.²⁴

MR. BOULTON thought the object of the bill was to get over temporary difficulties; he found that was not the case, but that it was to introduce a different species of legislation; it was, in effect²⁵, another example of the system of centralization, which the present government seemed disposed to adopt everywhere.²⁶ Instead of allowing the people to decide for themselves, it gives that power to trustees, which was an entirely different principle from that of the original bill. He was opposed to taking away that power which now exists in the hands of the people. It required much consideration and investigation, before they could decide. They could ascertain and adopt that system which works

well in the United States; from which country, he said, they obtained the best laws.²⁷

MR. HARTMAN was in favour of part, but not of all the bill, and he gave several reasons for desiring that part of the bill should pass, to keep the trustees, as we understood, from going out of office before another bill could be passed after the ... adjournment. The bill had already been before the House for two months, and was necessary for the well working of the school bill next year.²⁸

MR. ROBINSON said the Inspector General had stated that it was only by experience that improvement could take place; that was the reason why he (Mr. R.) wished for delay.²⁹ He also objected to the withdrawing of all control from the people. He did not see why the Educational Journal should be forced upon the people, though it was no doubt a very good publication.³⁰ Several clauses, he said, would be objected to, and it was desirable to ascertain the state of public opinion before a change was made in the law. He thought something more was meant than met the eye, and would vote against the bill. As it was an Upper Canada measure, he supposed it would pass.³¹

MR. INSP. GEN. HINCKS replied that as exceptions were taken to some of the clauses of the bill by different members; it was but an act of justice to say, that in carrying the measure, the Government were not desirous of pressing any clause about which there was a difference of opinion, and which might be objected to, and which they were willing to strike out--merely retaining what was of practical utility. He could assure the member for Simcoe, that the Government had no other desire than to promote the public interests and to benefit the country. He thought the House had better go into Committee on the bill, and if there was any provision about which there was a doubt, or which members were not willing to pass, it could be struck out.³²

MR. STREET was astonished at the different views expressed by the Attorney and Inspector Generals.³³ [He] said the whole principle of the bill, is as to the mode of conducting schools, with reference to assessment³⁴. The first gentleman said that the object of the Bill was to determine whether the Schools should be Free Schools or otherwise³⁵. It was clear that the great purpose of the bill was³⁶ to take from the people a power which they possessed, and to give it to trustees; and he should not be doing justice if he did not stand up and oppose such transfer. But it had been said the object of the bill was, to establish one uniform system of schools throughout Canada; but would it have that effect? The transfer of the power from the people would not produce that result, as in some sections of the Province there would prevail one system, and in others another.³⁷ If you wanted good Trustees, too, you must allow the people to choose the best men that could be found in the section; but if this Bill passed, the Trustees would be chosen on the sole ground of their being for or against Free Schools.³⁸ His object in rising, was not, he said, so much to oppose the measure, as to ask for time; he did not see why there should be so much hurry, as the bill would alter the whole system throughout Canada; and which ought not to be changed before the public had had an opportunity of expressing an opinion at the next meeting of the Legislature. He trusted the Government would allow the bill to stand over.³⁹ Mr. Hartman (it seemed to him) was opposed to the principle as much as he, and he therefore hoped that that gentleman would vote against it.⁴⁰ He knew that great benefits had resulted from the action of the Superintendent of Schools, but wanted time to consider the views which that gentleman had propounded, and at whose instance the bill had been introduced.⁴¹ He ... did not want to try more experiments.⁴²

MR. STEVENSON thought the trouble in working out the system was not to be

attributed to the existing law or to the Superintendent, but to the difficulty of carrying out any measure by a great number of persons, among whom there must be great diversity in the modes of thinking. However, he wished to have time for reflection before consenting to a change; for though this change might produce better schools it would be far from producing satisfaction. There was nothing to which the people made so violent an opposition as to the imposition of a tax by any but themselves.⁴³

MR. GAMBLE was persuaded that the effect of the bill, if carried, would be the very reverse of what was intended, and he knew that it would give very general dissatisfaction. The hon. member then went through several of the clauses, and contended that none of them were of a kind to meet general approval.⁴⁴

MR. INSP. GEN. HINCKS said, then, that if gentlemen on the other side were still disposed to take the responsibility of rejecting the bill, the ministry did not feel they could trespass on the House by passing it.⁴⁵

MESSRS. DIXON and D. CHRISTIE (Wentworth) also disapproved of the bill⁴⁶.

COL. PRINCE ... desired to have the power in the hands of the trustees, rather than in debate between the trustees and the people.⁴⁷

The bill ... was ... supported by ... MR. PATRICK.⁴⁸

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The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Mackenzie reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That the Honorable Mr. Attorney General Richards do carry the Bill to the Legislative Council, and desire their concurrence.

The Order of the day for the second reading of the Bill to make more effectual provision for enforcing the legal rights of the Crown in regard of Public Works, being read;

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Attorney General Richards, and the Question being proposed, That the Bill be now read a second time;⁴⁹

MR. AT. GEN. DRUMMOND moved the second reading of the bill for enforcing legal rights of the crown in regard to Public Works. Some objection was made to the bill because it was not generally understood, and was looked upon as an instrument of oppression. Its object was merely to regain possession of some public works in Lower Canada by action before a Court of Law. If some of these works were to remain in the hands of individuals the public would suffer much damage.⁵⁰ At present, when the possession of public works were in dispute before the courts such works might be allowed to go out of repair

pending the litigation. In order to prevent this, the present bill was intended to allow the judges to sequester such property until the suit should be determined, by appointing a guardian.⁵¹ He did not think it right that the Government should exercise its legal right of assuming its property by armed force, and it was for that reason he introduced this bill.⁵²

MR. BADGLEY differed entirely with the Attorney General. He never knew of a case of the government seizing on its property by force. The courts are open to the government and to individuals and the Government has to seek the means of redress exactly in the same way as an individual.⁵³ The Crown had now the same rights as any one else, and he could not understand how it had any difficulty in obtaining them....[He] had no objection to the principle of appointing a guardian in a case of this sort, nor to have it made general, applying to private as well as public property, and to both sections of the Province; but he objected to the stretch of power introduced in this bill⁵⁴ for the existing laws are certainly quite sufficient for the protection of the rights of all. The measure was predicated on⁵⁵ account of a single case of difficulty into which the Government had got⁵⁶: disputes have occurred between the government and individuals as to the right of possession to three bridges in Lower Canada--that of St. Maurice he believed to be one of them. He saw no necessity for the measure, and should not support it.⁵⁷

MR. COM. PUB. WORKS CHABOT addressed the House in French in favour of the bill.⁵⁸

MR. STREET looked upon the principle contained in the bill as exceedingly dangerous, and one which the House could not with propriety venture to grant. It was said that it was intended to meet a particular case; then let it be framed in such a way as to meet that case alone. It proposed to allow a man to be turned out of possession of his property on an application being made to the Court of Queen's Bench, but he would like to know what superior right to property the Government had over individuals. It is supposed that the property will be restored to the man if the property should really be his; but he was not satisfied with that.⁵⁹ The law held that the man in possession of property was presumed to be rightfully in possession till he was proved not to be the owner of the property. He therefore would not be a party to passing a law, which would violate this fundamental principle.⁶⁰

MR. BOULTON contended that the legislation of the present ministry was the most extraordinary which had ever taken place in any country. Notwithstanding there were four law officers of the Crown, they managed the public business in such a manner that they were constantly obliged to have recourse to special legislation. The Crown Lands Commissioner had accepted office illegally, not having given security.⁶¹ [He] had no doubt in his own mind that the bill was brought in because the Government had got into a difficulty about the bridge at St. Maurice, which had been sold for 5s. by the late Commissioner of Public Works although it cost some thousands of pounds⁶² and produced some hundreds a years [*sic*]⁶³, but as they found they could scarcely justify the sale of the bridge, if a railroad were made on the north shore of the St. Lawrence, and if the proprietor should demand £5,000 for the right to take the road over it, they repudiated that sale, and leased it out to another person for a certain sum⁶⁴. The vendee and the lessee, it appeared, were now disputing the possession, and the Government wanted to hold it from both till they had got a decision of their rights.⁶⁵ This was the origin of the bill. He should move for its postponement until 16th February, in order to give the House an opportunity of obtaining information, and deliberating.⁶⁶

MR. AT. GEN. RICHARDS said that the law in Lower Canada seemed to be very

much like that of replevin in Upper Canada. As to the position of the Crown Lands Commissioner, if the law forfeited his place for want of security, it gave power at the same time to the Crown to remit the forfeit. He contended that there was nothing extraordinary in the character of this act. The powers which it gave could only be exercised after making out a prima facie that the property was in the Crown, and improperly detained.⁶⁷ It was exactly the same principle which was contained in this bill as was already recognized in the power given to the crown to seize property illegally in the possession of individuals.⁶⁸

MR. BADGLEY contended that there is already sufficient law in Lower Canada to perform the whole object which the Government has in view, instead of resorting to this extreme and extraordinary measure. The Attorney General would find that that is the case on an application to the Courts.⁶⁹

MR. SOL. GEN. CHAUVEAU addressed the House in French, in favour of the bill.⁷⁰

MR. AT. GEN. DRUMMOND said that he could not conceive that the member for Welland would oppose the measure if he did not think it was something monstrous; he must tell the hon. gentleman that the principle is already in existence in the law of Lower Canada, but unfortunately the courts have ceased to make use of that power, and this bill was to reinvest them fully with the necessary powers to protect important public properties from being destroyed for want of the necessary repairs. It was not his intention, or that of any member of the Government to do any thing harsh, but to re-possess those public works which had been constructed at the expense of the Government, and which are now threatened with ruin. With respect to this bridge over the St. Maurice, the Commissioner of Public Works was informed that it was in danger of falling, and as the Courts will not sit at Three Rivers until February, it becomes absolutely necessary that the House should take immediate action. An instance of the necessity for an act of this kind was rendered very clear by a somewhat extraordinary course pursued by an old widow lady in his own country. Imagining that she had not received value for the money should have paid towards a public road, she took possession of the road, built a wall six feet high across it, and as no magistrate in the country had sufficient courage to oppose her, the people were obliged to make a detour during a space of two months. If this law were in existence such an obstacle to the public convenience would not have been permitted.⁷¹

MR. STUART thought the object of the Government a useful one; but that the bill as it stood might be used as an instrument of oppression. It divested of his freehold, without the judgment of his peers, any man in Upper or Lower Canada whose rights might be disputed by the Crown.⁷² [He] might possibly vote for the bill if the Government would consent to postpone it until he had an opportunity of examining the question.⁷³

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Mr. Boulton moved, seconded by the Honorable Mr. Badgley, and the Question being put, That the further consideration of the Question be postponed until the sixteenth of February next; the House divided:--And it passed in the Negative.

Then the main Question being put;

Ordered, That the Bill be now read a second time.

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Marchildon reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

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Mr. Marchildon reported the Bill accordingly; and the amendments were read, and agreed to.

The Honorable Mr. Attorney General Drummond moved, seconded by the Honorable Mr. Chabot, and the Question being put, That the Bill be now read the third time, and the Rules of this House suspended as regards the same; the House divided: and the names being called for, they were taken down as follow:--

YEAS.

Messieurs Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of WENTWORTH, Attorney General Drummond, Fergusson, Fortier, Fournier, Gouin, Hincks, LaTerrière, Laurin, Lemieux, McDonald of CORNWALL, Mackenzie, Marchildon, McDougall, Mongenais, Morin, Morrison, Patrick, Poulin, Prince, Attorney General Richards, Sicotte, Taché, Tessier, Willson, and Wright of East Riding of YORK.--(30.)

NAYS.

Messieurs Badgley, Boulton, Brown, Burnham, Dixon, Gamble, Jobin, Langton, LeBlanc, Lyon, Macdonald of KINGSTON, Sir A.N. MacNab, Robinson, Seymour, Shaw, Stevenson, Street, and Stuart.--(18.)

So it was resolved in the Affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to make more effectual provision for enforcing the legal rights of the Crown in regard to Public Works in Lower Canada."

Ordered, That the Honorable Mr. Attorney General Drummond do carry the Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council acquaint this House, that His Excellency the Governor General has appointed To-morrow, at half past twelve o'clock in the afternoon, to be attended with the Joint Addresses of both Houses on the subject of a Railway from Quebec to Halifax; and that they have ordered, that the Honorable Mr. Receiver General Taché, and the Honorable Mr. Post Master General Morris, do attend His Excellency on the part of their House at that time.

And then he withdrew.

Ordered, That the Honorable Mr. Hincks, the Honorable Mr. Morin, the Honorable Mr. Cameron, and the Honorable Mr. Chabot, do attend His Excellency the Governor General on the part of this House, To-morrow at half past twelve o'clock, with the Addresses of both Houses on the subject of a Railway between Quebec and Halifax.

The Order of the day for the second reading of the Bill to incorporate the Society for the erection of an Hotel in the City of Quebec, being read;

The Bill was accordingly read a second time; and committed to a Committee of the whole House.

Resolved, That this House will immediately resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee; and after

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some time spent therein, Mr. Speaker resumed the Chair; and Mr. Prince reported, That the Committee had gone through the Bill, and made amendments thereunto.

Ordered, That the Report be now received.

Mr. Prince reported the Bill accordingly; and the amendments were read, and agreed to.

Ordered, That the Bill be now read the third time, and the Rules of this House suspended as regards the same.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cauchon do carry the Bill to the Legislative Council, and desire their concurrence.

The House, according to Order, resolved itself into a Committee of Supply;⁷⁴

On motion of MR. INSP. GEN. HINCKS, the House went into Committee of the Whole to consider whether a supply should be granted to Her Majesty. In moving for the supply, he said, that it was not his intention under existing circumstances to occupy much of the time of the Committee, or he could show that the anticipations he had indulged in last year, of the progress and increase in wealth of the Province, had been fully realized. He would state briefly that the tolls on the Welland Canal had been higher during the last month, than in any month since the canal went into operation; the Public Works estimate was higher than last year; the tax on bank issues was also somewhat larger; the bank issues having been increased owing to the prosperous state of the country; and the casual revenue was also considerably increased. Then taking into consideration the charges on public buildings and the appropriations for the public domain, it was generally considered that the expenses of this year will equal that of the last, and yet there will be a handsome surplus. It will be absorbed either in public works, or else invested in Provincial debentures. It is not the intention of the Government to place any new bonds in the market, although there will be a necessity for meeting several large claims shortly; for instance, the rebellion losses. The payment of these claims without issuing any new bonds, or obtaining any new loan, will therefore reduce the amount now placed to the credit of the Province by the banks. As to the investment of the surplus, he had mentioned two modes--the purchase of debentures and the investment in public works. After some deliberation, they arrived at the conclusion, that it would be more satisfactory to the public to see those works which are of prominent importance, as the St. Lawrence Canal, the Sault Ste. Marie Canal, and the works below Quebec--proceeded with. It would be needless, however, to go into the details, as no expenditure for public works could be made until after the recess. The state of the revenue is such that the Government thought they could also make some very important changes in the shape of reductions in custom duties, as he had already mentioned. The principal article on which a change can take place with advantage is sugar, on which the duty is now very high. It is proposed to reduce the duty on sugar under any circumstances, but the reduction will be greatest on that which is imported by the St. Lawrence direct. Then, the Government propose to take the opportunity of making considerable reduction in the excise. In accordance with the statement he had made on a former occasion, they intend to hand the shop licenses over to the Municipalities in Upper Canada. In Lower Canada, the fund derivable from that source will be applied to the indemnification of those parties who might suffer loss through the operation of the Act for the extinction of the Seigniorial Tenure. On sugar, molasses, and salt, it is proposed that the reduction shall be from 9s. to 7s. per cwt., and that the ad valorem duty shall be taken off altogether when imported by the St. Lawrence; the duty on tea will be reduced from 12½ to 5 per cent.; and an additional duty of 5 per cent. will be imposed on manufactures of cotton, wool

and iron, on hardware, on paper, on glass, and on leather, so that the duty on those articles will be $17\frac{1}{2}$ per cent., when imported from foreign countries by inland navigation. The duty would also be reduced from $12\frac{1}{2}$ to $2\frac{1}{2}$ per cent. on articles used in the manufactures of the Province, more especially on articles employed in the ship-building trade, that important branch of business having already suffered very considerably from the restrictions placed on it. The principle the Government has in view is the imposition of duties on goods imported from foreign countries. The question for the House immediately to consider was--what amount would it place at the disposal of the Government until the meeting on the 14th February? He thought he could safely ask for the grant of £180,000.⁷⁵

MR. BOULTON hoped that when the House met again on the 14th February, the Inspector General would be ready to lay on the table those addresses which had been asked for at an early period of the session, so as to allow hon. members to see what was the actual state of the finances of the country. The House was asked to vote large sums of money, and he was not by any means satisfied that the Province really possessed that money. He made out that the sinking fund should be no less than £1,100,000 of which it appeared that only £222,623 had been paid in by the Government, showing a large balance unaccounted for.⁷⁶

MR. INSP. GEN. HINCKS.--You are altogether astray.⁷⁷

MR. BOULTON did not state that as a fact, but he said that this was what he made out. He did not care for any explanations which the Inspector General might make in the House, he wanted the papers to be laid on the table in such a tangible shape, that every member might form his own opinion.⁷⁸

MR. INSP. GEN. HINCKS replied, that all the information which he could give on the subject of the Sinking Fund was already before the House. The point of difference between himself and the member for Toronto was simply this: a former Government, the Government of which Mr. Cayley was a member, entered into a bargain with the Imperial Government to establish a sinking fund for the redemption of the debt of 1,500,000*l*. That was the first sinking fund, it was 4 per cent. The hon. gentleman calculated this 4 per cent. from the time the Act was passed, and in this way he made out this large amount; but the Imperial Government had been asked to abandon their claim for a sinking fund for some years. They agreed to do so, and the time was fixed at which the payments should recommence; and from that time to the present day the money has been regularly paid into the Bank of England on account of that sinking fund. Then a proposition was made that a sinking fund should be established, not as an additional fund, however, that was not imagined for a single moment. He scarcely knew what the hon. gentleman was driving at, but if he thought it necessary to press down the energies of this country by the establishment of an enormous sinking fund which would prevent necessary public works from being undertaken, then he must say that he differed entirely with the hon. gentleman. He knew that the annual payment by this Province of 60,000*l*. towards the sinking fund was considered a most handsome provision in England. The hon. gentleman wished to make it appear that about 200,000*l*. per annum should be appropriated for the sinking fund, but that was not the intention originally. It was proposed merely to appropriate the whole amount of revenue from public works. If the sum mentioned by the hon. gentleman were appropriated, the means of this Province to construct those works which are really of importance, would be very limited. Persons might say that posterity should not be compelled to pay towards their construction; but he did not participate in those views--posterity ought, in his opinion, to pay its share towards the construction of those works by which it was benefitted as much as the present generation.⁷⁹

MR. PATRICK enquired whether the Government intended to impose the additional duty of 5 per cent. on goods imported in bond through the United States.⁸⁰

MR. INSP. GEN. HINCKS.--Certainly not.⁸¹

MR. BROWN wished to know when the additional duties were to come into operation?⁸²

MR. INSP. GEN. HINCKS.--In the April quarter. On the 5th April.⁸³

MR. BROWN thought it exceedingly unfortunate that this matter should be brought before the House only now--that such an announcement should be made the very night preceding an adjournment for three months. He was sure that the statement just made would come like a thunder stroke on the merchants of Upper Canada.⁸⁴

MR. AT. GEN. RICHARDS said that the same statement was made by the Inspector General before.⁸⁵

MR. GAMBLE.--Not in the same way.⁸⁶

MR. INSP. GEN. HINCKS.--Yes, precisely the same.⁸⁷

MR. BROWN.--The hon. gentleman may have made a somewhat similar explanation when the member for Montreal resigned the Commissioner-ship of Public Works; but certainly not when that hon. gentleman (Mr. Young) introduced the Trade resolutions, which he (Mr. R.) had seconded. In fact, the whole of the Inspector General's argument on that occasion, went to show that the retaliatory policy of the Government was a mere flash in the pan, intended to frighten the Americans. He foresook the bold attitude he had previously held, and adopted a tone markedly apologetic. Instead of imposing such tolls on the Welland Canal as to deprive the Americans of benefit from it, the hon. gentleman explained that he merely meant to lay on such tolls "as the trade would bear." It was true, he still asserted, the intention of the Government to impose differential duties; but he spoke solely of salt and sugars coming from the United States. Certainly, the impression did not remain on his (Mr. B.'s) mind, nor on that of the member for Montreal (Mr. Young) that hardware and manufactures generally, were to be included in the list of articles paying discriminating duties. But it mattered little what statements the Inspector General made; a matter so important should have been submitted specifically to the Legislature, and decided upon, ere the House rose. The statements of the Inspector General might cause distrust and indecision among the mercantile classes, but how could any person tell that they would be ratified by the action of Parliament? How are the merchants of Upper Canada to be guided in their purchases, if such an important change in the commercial policy of the country is dependent on the contingency of a sufficient majority in both houses being obtained after the 14th February next, to enable the Government to carry out their scheme? He believed that such a case could be made out of injury to Upper Canada interests, as would compel the partizans of Government to pause ere carrying it out; he believed he could show, on the authority of the Inspector General himself, that a duty of $17\frac{1}{2}$ per cent. was impracticable--that no higher duty than $12\frac{1}{2}$ per cent. could be collected along the frontier of Canada.⁸⁸

MR. INSP. GEN. HINCKS.--Tea pays a higher duty at the present moment.⁸⁹

MR. BROWN.--Well--and how much of it is smuggled? He repeated his regret that the financial statement was only made that night; and that it was not to be followed up by definite action. The Government ought to have come down long before with the details of their scheme, and sought the decision of Parliament

upon it. It was not a sufficient justification for the hon. gentleman to say that he had announced the change some time ago. Did the hon. gentleman suppose that the whole trade of the country was to be revolutionized on his mere statement--without any action on the part of the Legislature? Every merchant in the country, by the course adopted, will be thrown loose; he will say "It is true that the Inspector General has said such a change will take place, but there is nothing positive to go upon--the House may reject it"--and he will not know how to regulate his purchases. It was a most unfortunate position to place the country in, and he thought the Inspector General ought to be held to a strict account for the embarrassment which must arise. The House had yet to consider the probability of our retaliatory policy being met on the other side by counter retaliation. Should the Americans withdraw the bonding system--the hon. Inspector General, and those who acted with him in this matter, would bitterly regret setting out upon such an errand. So much for the new trade policy, but a few words as to the supplies. When the hon. gentleman spoke last night about bringing down the "estimates," he (Mr. Brown) thought it was the estimates of 1853 which were to be placed before them, but it turned out that all the fuss was about the estimates of 1852--estimates of money paid and spent months ago. It was a farce and a delusion.⁹⁰

MR. INSP. GEN. HINCKS.--The money is not spent.⁹¹

MR. BROWN.--Then how had the hon. gentleman carried on the Government for ten months? Did he mean to say that the various items contained in the estimates were not paid--the hospitals and charities for instance?⁹²

MR. INSP. GEN. HINCKS.--Not a sixpence.⁹³

MR. BROWN.--Did he mean to say that the various items for public institutions were not paid?--the Bureau of Agriculture? He would be bound that it was. (Laughter.) That all these miscellaneous items to the amount of £123,000 were not paid? Of course they were--and to ask us to grant leave for their expenditure now was mere delusion. Here we have been during a session of nearly three months, for which time, and for six months previous, the public monies have been expended without the consent of Parliament--and yet so occupied has the hon. gentleman been with Railroad jobbing--that the estimates for the year almost gone, are only now submitted to us, and we are asked to endorse them without consideration, the very night before breaking up! It was as indecent a proceeding as ever took place under a constitutional government. The whole disbursements of 1852 were made on the responsibility of the Executive and now it is proposed to carry that responsibility far into 1853! He said this was proposed by Government--for this adjournment was the work of the Government and of the Government alone. If the House should in any way sanction such an unconstitutional proceeding, a most dangerous precedent would be established. Let hon. gentlemen reflect on the influence which the Executive possesses under our form of Government; they spend the public money for ten months, and at the end of that time call on the House, without any explanation, to vote a sufficient amount to carry them into the second year! What check could the House have if such a system were tolerated? It was a degradation to the House that any minister could have the hardihood to appear before them with such a demand.⁹⁴

MR. INSP. GEN. HINCKS said it was quite evident from the address of the member for Kent, that he prided himself a great deal on his knowledge of the subject, yet he had shown very great ignorance on one or two points. He did not seem to know that the supplies of 1852, were not yet voted, and that the estimates of 1853, were yet to be voted on. He wondered how many other gentlemen were in such ignorance of the facts, as not to know that no session of Parliament had been held in 1852 until the present one assembled. Yet the hon.

gentleman was in such a state of indignation--95

MR. BROWN explained that his indignation was caused by the neglect of the Ministry to lay these estimates for 1852 on the table, at an earlier period of the session. He knew perfectly well that the estimates of 1852 had not been voted.⁹⁶

MR. INSP. GEN. HINCKS went on to say that a large portion of the annual expenditure was already regulated by law, and did not require any vote from session to session. With regard to the adjournment, he supposed that the Government would be compelled to bear the whole odium of it; but he could say that they only surrendered their own views on that question, when they found that a very strong desire for an adjournment predominated on both sides of the House. If the real opinions of hon. gentlemen could be got at, he had not the slightest doubt that nine-tenths were in favour of it, and the member for Kent in all probability had no more objection to it in his secret feelings, than any [one] else in the House.⁹⁷

Some further [discussion ensued]⁹⁸.

MR. MACKENZIE ... [went] into detail on the several items of expenditure. He travelled over an immensity of ground, touched ... upon almost every conceivable object, and among the rest accused the ministry ... of squandering the time of the House.⁹⁹

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and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Taché reported, That the Committee had come to a Resolution.

Ordered, That the Report be received To-morrow.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act to authorize François Daigle and Alexis Dufresne to demand Tolls upon a Bridge which they have constructed on the northern branch of the River Yamaska:"

Bill, intituled, "An Act to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds, to consolidate the City Debt, and for other purposes:"

Bill, intituled, "An Act to amend and extend the Act incorporating a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada:"

Bill, intituled, "An Act to provide for the removal of the Registry Office of the County of Missisquoi, from the place where it is now kept to a more central position:"

Bill, intituled, "An Act to vest in the Corporation of the City of Hamilton the 'Gore' of King Street, for public purposes:"

Bill, intituled, "An Act to incorporate the Trustees of the Hamilton Orphan Asylum:"

Bill, intituled, "An Act to amend the Act incorporating the Ontario, Simcoe, and Huron Railroad Union Company:"

Bill, intituled, "An Act to establish a Consolidated Municipal Loan Fund for Upper Canada."

And then he withdrew.

Ordered, That the remaining Orders of the day be postponed until To-morrow.

*Then, on motion of the Honorable Mr. Attorney General Richards, seconded
by Mr. Morrison,
The House adjourned.*

APPENDIX: 9 NOVEMBER 1852.

[NOTICE OF MOTION RE: BOARD OF NOTARIES IN KAMOURASKA.]

MR. CHAPPAIS [gave notice that he would introduce a] Bill to establish a Board of Notaries in the District of Kamouraska, to be called the Board of Notaries of Kamouraska, and to amend the Act 10 and 11 Vic., cap. 21, in as far as it relates thereto.¹⁰⁰

[NOTICE OF MOTION RE: INJUSTICE OF THE UNION OF UPPER AND LOWER CANADA.]

MR. MARCHILDON [gave notice that he would move for a] Committee of the Whole, to consider a series of Resolutions intended to demonstrate to the Imperial Government the injustice of the Union of Upper and Lower Canada, and praying for the repeal thereof.¹⁰¹

[NOTICE OF MOTION RE: STATEMENT OF BONDS AND SECURITIES.]

MR. BOULTON [gave notice that he would move] that the detailed Statement of Bonds and Securities which had been registered between the 20th May, 1851, and the 19th August, 1852, prepared in compliance with the 15th section, 5 and 5 [sic] Vic., cap. 91, and laid before the House, be now read.¹⁰²

[NOTICE OF MOTION RE: INVALIDITY OF DR. ROLPH'S APPOINTMENT.]

MR. BOULTON [gave notice that he would move:] That it is the opinion of this House that the Hon. John Rolph has forfeited his Office of Commissioner of Crown Lands, by not complying with the provisions [of] 4th and 5th Vic. caps. 19 and 100.¹⁰³

[NOTICE OF MOTION RE: CANAL BETWEEN NIAGARA RIVER AND LAKE ERIE.]

MR. BROWN [gave notice that he would introduce a] Bill for the construction of a Ship Canal to connect the River Niagara with Lake Erie at the Fort Erie Rapids.¹⁰⁴

[NOTICE OF MOTION RE: NOTTAWASAGA RIVER NAVIGATION COMPANY.]

MR. MORRISON [gave notice that he would introduce a] Bill to incorporate the Nottawasaga River Navigation Company.¹⁰⁵

[NOTICE OF MOTION RE: CONSOLIDATION OF LOWER CANADA CIVIL LAW.]

MR. BADGLEY [gave notice that he would introduce a] Bill for the consolidation of the Civil Law of Lower Canada, and the establishment of a practice connected therewith.¹⁰⁶

[NOTICE OF MOTION RE: BUFFALO & TORONTO RAILWAY.]

MR. RIDOUT [gave notice that he would introduce a] Bill for the purpose of constructing the "Buffalo and Toronto Railway" having its termini at or near Fort Erie on the Niagara River and Port Dalhousie on Lake Ontario, passing through Port Robinson and St. Catharines.¹⁰⁷

[NOTICE OF ADDRESS RE: POINT PLATON WHARF.]

MR. MCDUGALL [gave notice that he would move for an] Address to His Excellency the Governor General, for Copies of all Correspondence between the Government and Mr. Joly, relative to Point Platon Wharf, for copies of all Surveys

and Reports relative to the said Wharf, and for the quarterly returns of Postage and allowance to Postmasters at that place, since its establishment as a Mail Station.¹⁰⁸

[NOTICE OF QUESTION RE: SECURITY FOR MR. ROLPH'S OFFICE OF COM.
CR. LANDS.]

MR. BOULTON [gave notice that he would make an] Enquiry of [the] Ministry, whether the Hon. John Rolph, Commissioner of Crown Lands, gave the security required by Law for that within the time limited, and whether the Office of Commissioner of Crown Lands, is not now vacant.¹⁰⁹

FOOTNOTES: 9 NOVEMBER 1852.

1. The following papers reported the exchange on this matter in identical accounts: MONTREAL GAZETTE, 12 November 1852, MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 16 November 1852, PILOT, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852.
2. MONTREAL GAZETTE, 12 November 1852.
3. IBID.
4. GLOBE, 23 November 1852.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. The following papers reported the debate on this matter in partially identical accounts: MONTREAL GAZETTE, 12 November 1852, MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 16 November 1852, PILOT, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852. The debate was also reported by GLOBE, 23 November 1852. The following papers reported Mr. Street's speech, during the debate on this matter, in identical accounts: MONTREAL GAZETTE, 10 November 1852, HAMILTON SPECTATOR WEEKLY, 11 November 1852, GLOBE, 11 November 1852, PILOT, 11 November 1852, BATHURST COURIER, 19 November 1852, and EXAMINER, 19 November 1852.
13. GLOBE, 23 November 1852.
14. IBID.
15. MONTREAL GAZETTE, 12 November 1852.
16. GLOBE, 23 November 1852.
17. IBID.
18. MONTREAL GAZETTE, 12 November 1852.
19. GLOBE, 23 November 1852.
20. IBID.
21. MONTREAL GAZETTE, 12 November 1852.
22. GLOBE, 23 November 1852.
23. MONTREAL GAZETTE, 12 November 1852.
24. GLOBE, 23 November 1852.
25. IBID.
26. MONTREAL GAZETTE, 12 November 1852.
27. GLOBE, 23 November 1852.
28. MONTREAL GAZETTE, 12 November 1852.
29. GLOBE, 23 November 1852.
30. MONTREAL GAZETTE, 12 November 1852.
31. GLOBE, 23 November 1852.
32. IBID.
33. MONTREAL GAZETTE, 12 November 1852.
34. GLOBE, 23 November 1852.
35. PILOT, 11 November 1852.
36. MONTREAL GAZETTE, 12 November 1852.
37. GLOBE, 23 November 1852.
38. PILOT, 11 November 1852.
39. GLOBE, 23 November 1852.
40. PILOT, 11 November 1852.
41. GLOBE, 23 November 1852.

42. PILOT, 11 November 1852.
43. GLOBE, 23 November 1852.
44. MONTREAL GAZETTE, 12 November 1852.
45. IBID.
46. IBID.
47. IBID.
48. GLOBE, 23 November 1852.
49. The following papers reported the debate on this matter in identical accounts: MONTREAL GAZETTE, 12 November 1852, MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 16 November 1852, PILOT, 16 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852. The debate was also reported by GLOBE, 23 November 1852.
50. GLOBE, 23 November 1852.
51. MONTREAL GAZETTE, 12 November 1852.
52. GLOBE, 23 November 1852.
53. IBID.
54. MONTREAL GAZETTE, 12 November 1852.
55. GLOBE, 23 November 1852.
56. MONTREAL GAZETTE, 12 November 1852.
57. GLOBE, 23 November 1852.
58. IBID.
59. IBID.
60. MONTREAL GAZETTE, 12 November 1852.
61. IBID.
62. GLOBE, 23 November 1852.
63. MONTREAL GAZETTE, 12 November 1852.
64. GLOBE, 23 November 1852.
65. MONTREAL GAZETTE, 12 November 1852.
66. GLOBE, 23 November 1852.
67. MONTREAL GAZETTE, 12 November 1852.
68. GLOBE, 23 November 1852.
69. IBID.
70. IBID.
71. IBID.
72. MONTREAL GAZETTE, 12 November 1852.
73. GLOBE, 23 November 1852.
74. The debate on this matter was reported by GLOBE, 23 November 1852. A commentary appeared in QUEBEC GAZETTE, 10 November 1852.
75. GLOBE, 23 November 1852.
76. IBID.
77. IBID.
78. IBID.
79. IBID.
80. IBID.
81. IBID.
82. IBID.
83. IBID.
84. IBID.
85. IBID.
86. IBID.
87. IBID.
88. IBID.
89. IBID.
90. IBID.
91. IBID.

92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. IBID.
99. QUEBEC GAZETTE, 10 November 1852, which commented that "Mr. Mackenzie occupied the attention of the House--or we should rather say the time of the House, for he is so well known that he seldom commands the attention of any body--for about two hours....He ... accused the ministry ... of squandering the time of the House. Such an accusation coming from such a man, was positively refreshing. Most of our readers have had an opportunity during the session of witnessing the obstructive qualities of the little gentleman."
100. HAMILTON SPECTATOR WEEKLY, 25 November 1852.
101. IBID.
102. IBID.
103. IBID.
104. IBID.
105. IBID.
106. IBID.
107. IBID.
108. IBID.
109. IBID.

WEDNESDAY, 10 NOVEMBER 1852.

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THE following Petitions were severally brought up, and laid on the table:--

By the Honorable Mr. Robinson,--The Petition of the Municipal Council of the County of Simcoe; and the Petition of Serafino Giraldi, Tavernkeeper, and others, of the City of Montreal.

Pursuant to the Order of the day, the following Petitions were read:--

Of Leonard M. ..., Esquire, and others, of the Township of Wainfleet; praying for the appeal of the Act 7 Vic. cap. 12, and that authority be given to each Municipality to pass By-Laws for the protection of Game in their locality.

Of the Reverend William Scott and others, of Melbourne and vicinity; praying the adoption of measures for the abolition of all labor on the Lord's Day in the Postal Department of the public service, and on the St. Lawrence Canals.

Of Mrs. J. Cumming and others, female inhabitants of the County of Glengary; and of George D. Griffin and others, of the Township of Brantford; praying for the passing of an Act to prohibit the manufacture and sale of intoxicating liquors, except for medicinal and mechanical purposes.

Of A. Painchaud, Esquire, and others, Traders and Merchants of the Magdalen Islands; complaining of various obstacles in the execution of the Law, and other grievances, and praying redress.

Of Denis Veronneau and others, Commissioners of the School Municipality of the Parish of St. Zotique, County of Vaudreuil; praying for aid to assist them in defraying the expense of the erection of two School Houses within the said Municipality.

Ordered, That the Petition of A. Painchaud, Esquire, and others, Traders and Merchants of the Magdalen Islands, be referred to the Select Committee appointed to enquire into certain matters relative to the Magdalen Islands.

Mr. Taché, from the Committee of Supply, reported a Resolution; which was read, as followeth:--

Resolved, That a sum, not exceeding One hundred and eighty thousand pounds, currency, be granted to Her Majesty, to meet the necessary and indispensable Expenses of the Government of this Province, for the year 1852, not otherwise provided for, to be accounted for in detail during the present Session of Parliament.

The Honorable Mr. Hincks moved, seconded by the Honorable Mr. Morin, and the Question being proposed, That the said Resolution be now read a second time;¹

MR. BROWN moved in amendment, that the Report be not now received, but that it be referred back to the Committee of the Whole, to consider the following Resolutions:--

"That this House deeply regrets that the estimates for the current year were not brought down for consideration at an earlier period of the session;--

"That the printed financial statement having just been laid before the House, it is impossible to consider before one o'clock to-day (when it is proposed to adjourn for three months) the details thereof, with that care and attention which should be given to the important duty of expending large sums of the public money;--

"That it is totally unprecedented to vote supplies en bloc, as proposed by the Government;--

"That the order of the House, for an adjournment, from this day to the 14th February next, be therefore rescinded, and the sittings continued until the estimates shall have been fully considered and discussed."²

MR. J.S. MACDONALD the SPEAKER decided that the motion could not be put,

as the last paragraph proposed to rescind an order of the House, of which, under the rules, notice should have been given.³

MR. BROWN agreed to strike out the last resolution, when the motion would be in order.⁴

MR. MACKENZIE seconded the motion, agreeing with Mr. Brown that it was highly improper to vote the supplies en bloc. He thought that the estimates ought to have been laid before the House earlier in the session, and that the House, though it had agreed to a vote of credit had not adopted the Report.⁵

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Mr. Brown moved in amendment to the Question, seconded by Mr. Mackenzie, That all the words after "be" to the end of the Question be left out, in order to add the words "recommitted to a Committee of the whole House, to consider the following Resolutions:--1. That this House deeply regrets that the Estimates for the current year were not brought down for consideration at an earlier period of the Session: 2. That the printed Financial Statement having just been laid before this House, it is impossible to consider the details thereof, before one o'clock this day (when it is proposed to adjourn for three months) with that care and attention which should be given to the important duty of expending large sums of the Public Money: 3. That it is totally inexpedient to vote the Supplies en bloc, as proposed by the Government," instead thereof;

MR. MALLOCH submitted that the adoption of the resolutions would be equivalent to a refusal of the supplies.⁶

MR. BROWN said all he wanted was, that the House should go into Committee, and consider the supplies in detail. The Inspector General had expressed his willingness to do so, if the House desired it; but the Attorney General, on a former evening had expressed himself opposed to that course. He (Mr. B.) was still of the opinion that, after the House had been ten weeks in session, it was inexpedient to vote the supplies in the aggregate, as was contemplated.⁷

MR. R. CHRISTIE did not agree with the honorable members for Kent and Haldimand.⁸ [He] said the hon. member for Kent must know that it was not usual to send down the Estimates [during] an early period of the session. The number of questions that were propounded, and the explanations that had to be made on these subjects, rendered such a proceeding inexpedient.⁹ Had the estimates been brought up earlier in the session no business could have been done, for as it was the two honorable members¹⁰ for Kent and Haldimand¹¹ had occupied¹² fully one-half of the session, between whom and the Inspector General, there appeared to exist the greatest hostility; and who seemed on several occasions prepared to throw daggers at each other¹³. While, however, the hon. members were at daggers with the Inspector General in the House, they were to be found night after night, sitting cheek by jowl in the cockloft¹⁴. If gentlemen would occasionally walk up stairs, where a beef-steak, ham, and sundry other good things were to be obtained, they would be undeceived in this respect. He (Mr. C.) happened to go up there an evening or two since, when he found the hon. Inspector General and the hon. member for Kent sitting together, conversing on the most friendly terms, and with the best possible feeling imaginable.¹⁵ Even the hon. member for Kingston indulged in a glass of champagne with the hon. Inspector General occasionally. He would recommend that ministers should during the adjournment purchase, directly or indirectly, both Messrs. Brown and McKenzie--a considerable price might be paid and money nevertheless be saved to the Province, at present wasted with their talk. But to glance at the estimates, he saw somethings which he could not consider right.¹⁶ He considered the proposed vote of £180,000, as a mere vote of credit, and which would not more than meet the ordinary expenses of the Gov-

ernment up to the present time; and proposing which, the Government had done no more than was right and proper. That was not the time, he said, to discuss the estimates, but he must be permitted to call the attention of the Government to a few of the items, with reference to which he wished to make a few remarks. He then alluded, among other items to the vote of £2,000 to the Board of Agriculture¹⁷. The Bureau of Agriculture was very good in itself and the two clerks to whom salaries of £200 a year each were to be paid were doubtless indispensable¹⁸, but he was opposed to the payment of such an enormous amount to ten [sic] clerks.¹⁹

MR. INSP. GEN. HINCKS concurred in the views of the member for Gaspé, and said that that was one of the charges that would not be paid, until a clear vote of the House should have been obtained.²⁰

MR. R. CHRISTIE ... alluded to the sum of²¹ £1000²² to pay the expenses incurred by sending a vessel to protect the fisheries; and to which she had afforded no protection²³, he thought it was merely money thrown away. He observed that the £1000 spent upon the Alliance would have afforded a very handsome encouragement to the²⁴ bank fisheries, for which at present not a single vessel is fitted out²⁵, if it had been given out in a tonnage bounty to the whalers of Gaspé, say from £60 to £100 to each whaling schooner or Banker for the reason [sic].²⁶ It would have given employment to twenty vessels²⁷, but if this were the encouragement intended for the fisheries he entirely repudiated it. It really was no encouragement to them whatever--amusement it may have afforded to the gentlemen employed on that "Alliance" expedition. The vessel of war commanded by Mr. Fortin was quite unnecessary. The gallant Fortin dodged in and out of certain harbours in the Gulf, and fired a gun or two for amusement, but was of no earthly use. The expedition was a mere pleasure party.²⁸ In Labrador, where American vessels are allowed the same right to fish as the British, while along the coast [sic] of Gaspé, they were not permitted to fish within three miles of the shore.²⁹ Armed³⁰ protection of the fisheries, he said, was very properly vested in the hands of those who were interested³¹, her Majesty's government³², and who had sent out frigates and steamers for that purpose. He complained of the expense that had been incurred on Spencer Wood; and expressed a hope that the remuneration given to³³ Collectors of Customs at the outports³⁴ would meet with the consideration of the Inspector General during the adjournment.³⁵ In his two counties the collectors to whom the collection of some £4000 a year was entrusted only received an annual salary of £100, or thereabouts.³⁶ He trusted that the members for Kent and Haldimand, would walk up and shake hands with the members of the Government; and that they would all depart--"happy to meet, happy to part and happy to meet again." He concluded by expressing a wish, that the member for Toronto would withdraw his motion, of a want of confidence, which after the vote of the previous evening he could have no expectation of carrying.³⁷ Mr. Boulton ... he hinted, aspired to the leadership of a party.³⁸

MR. PROV. SEC. MORIN briefly defended the measures that had been taken for the protection of the fisheries, and assured the House that the service performed by the vessel fitted out for that purpose had obtained the commendation of the officers of Her Majesty's Navy on the station. He would not say all had been done that could be done; but he thought the effort should be encouraged.³⁹

MR. J.A. MACDONALD (Kingston) could not support the motion; but regretted that the estimates had not been sent down earlier, as the Government had [an] abundance of time after they had made up their minds for the adjournment to have done so; in which case the vote that would be given would have proved more satisfactory to the country. He should vote the supplies, because the

Government must have sufficient funds to carry it on; at the same time, he said, he reserved to himself the right of voting against any charge that he might deem improper. He considered it a bad system, voting money that had been already expended; it was a different affair voting what was applied for and what the Government asked for on its own responsibility. He hoped in future that the estimates would be brought down earlier.⁴⁰

MR. BOULTON said, as he had been alluded to, he did not desire, as had been intimated, to be the leader of a party. All he wanted was to discharge his duty, and if no other member would look into the public expenditure, he would. The remarks made by the member for Gaspé, he considered as most humiliating, and particularly so when an old member was found rising and justifying the loose manner in which the business of the country was conducted. If the hon. member could obtain assistance for the fisheries, which he confessed constituted the California of this country, he did not care what other interests were sacrificed.⁴¹ Provided the wants of the people in that section of the country, who appeared to him to be a set of insatiable beggars were satisfied, Mr. Christie did not care what the ministry did. He indeed endeavored to cover with ridicule gentlemen who had the moral courage to expose the corruptness of men in office. In truth there was a system of corruption in practice, which completely destroyed the independence of the Legislature. Local wishes were gratified at the general expense with little regard to honesty.⁴² The Government had rejected a bill limiting the expenditure to what was sanctioned by law, and they were supported by a majority, the members of which, many of them, enjoyed pecuniary advantages.⁴³ A gross robbery of the public money had been perpetrated on the authority of the Commissioner of Crown Lands, who had in truth forfeited his office by maladministration a fortnight after he had been in possession of it.⁴⁴ He ... alluded to the enquiry of the Select Committee with reference to the reduction of the duty on red pine timber. The order in Council to that effect, he said, was dated on the 14th September, and a letter dated the 20th had been produced before the Committee, stating that it was to have a retroactive operation; and was to go back to the 4th August, for the benefit of an individual, by which transaction thousands of pounds had been taken from the funds of the Province.⁴⁵

MR. INSP. GEN. HINCKS inquired whether any money had been paid back?⁴⁶

MR. BOULTON replied, that the Collector at Quebec had stated that £4000 had been lost to the Province in this way.⁴⁷

MR. PRES. EX. COUN. CAMERON asked if any duties had been remitted?⁴⁸

MR. BOULTON replied that the Collector said that duties had been remitted.⁴⁹

MR. J.A. MACDONALD (Kingston) confirmed this, and said the Collector at Quebec had stated before the Committee, that by that retroactive effect of the order in Council, a large sum had been lost to the Province.⁵⁰

MR. BOULTON then went on to state that the Commissioner of Crown Lands would be acting illegally during the next three months, owing to his not having given the security required by law, and which required that a bill should be brought in to legalize his acts. He (Mr. B.) could not reconcile it to himself to witness abuses, and not take steps to correct them; and because he would not sanction the squandering of monies without the sanction of Parliament, he was to be denounced for pursuing a course of conduct that would be approved of by the country at large.⁵¹

MR. INSP. GEN. HINCKS said he did not desire to enter upon a discussion

which the remarks that had been made were calculated to provoke; but he was prepared to admit that any gentleman had a right to avail himself of every error which the Government might commit, and he was convinced that it was by a watchful care that the public interests would be best observed. He would, however, observe, with reference to the duty on red pine timber, that, although he was ignorant of the facts alluded to, as the case did not come under his immediate notice, the retroactive measure being a departmental one, and without the knowledge of himself and his colleagues; yet he was enabled to say, that if an error was committed, there was nothing to show, that it was from corrupt motives, or with any other view than to do justice to the trade. He had already admitted that it was not in the power of the Government to remit the duty without the sanction of the House. The reason why the 4th of August was determined upon was, that it was deemed necessary to fix upon a certain period of the year; the motive, therefore, was a good, although it might have been a mistaken one. The Commissioner of Crown Lands was aware, that the subject was pending for some time, and thought the order had reference to the period alluded to. The Inspector General here read the evidence of the Collector at Quebec, who considered that the reduction was to apply to all timber brought down during the season, by which parties would be benefitted to the extent of about £4,000, the names of whom he read, Allan Gilmour having remitted about one-fourth of the whole. The Commissioner of Crown Lands put the same construction on the order in Council. He (Mr. H.) thought at first the question was as to the monies having been paid back; but it appeared that the duties had not been collected. The whole subject, he said, would come up, when the report of the Select Committee should be discussed; the tendency of the remarks that had been made, however, was to make out that there had been a corrupt motive, when there was not the slightest evidence to that effect.⁵²

MR. CAUCHON was sorry the subject had been introduced, because the same discussion must again take place, and the same replies would have to be made.⁵³ The government could not be held responsible for the corrupt conduct of a colleague, supposing that they were ignorant of the unworthy conduct of such a colleague; but the instant such conduct came to their knowledge they were responsible.⁵⁴ If the Government were not willing to sustain the Commissioner of Crown Lands, then they should not be held responsible for his acts; but if they sustained him, then he would vote against the Government. But as the subject was not fairly before the House, it ought not to have been discussed.⁵⁵

MR. BOULTON said he had mentioned it incidentally in justification of the course he had pursued.⁵⁶

MR. LANGTON said, besides the report of the select Committee, there was another motion, which would go to the country in connection with the speech of the member for Toronto, and which would be supposed to have reference to a notice for that day, in which eighteen lines was [*sic*] devoted to this very subject, and in which that gentleman reprehends the course pursued by Government; all which would induce the public to believe, that the report of the Select Committee, which they had not seen, went to prove fraud. While he (Mr. L.) admitted that the Commissioner of Crown Lands had no right to remit the duty without the sanction of Parliament, he must say, that if the duties were not remitted for the whole year⁵⁷, the order in council, as it would have [been] partial in its operation, would have been most iniquitous⁵⁸ and highly injurious to some of the parties interested. He concluded by saying, that he could not allow that portion of the report to be referred to, without expressing his opinion on the subject.⁵⁹

COL. PRINCE thought that the object of the member for Kent was to prevent a vote on the supplies.⁶⁰

MR. BROWN.--No, no.⁶¹

COL. PRINCE.--Well, he was glad to hear it.⁶² He had before stated that the Government had nothing to do with the adjournment, and knew nothing of his intended motion to that effect, which he made at the instance of several members; and which he did not regret. And he would ask the member for Kent, whether if that had not been aimed, the estimates would not have been brought down in good time. He would ask gentlemen if the amendment were carried, whether it would not be equivalent to stopping the supplies. One word, he said, in relation to parting, on which subject he was delighted to hear the member for Gaspé express himself as he did. The House must have noticed, during the session, the most violent and repeated attacks against the Ministry. He too had opposed the Ministry during a former session, but it was not the same one which at present exists; and he had not seen any man who would deny the fact, that the present Government are doing more for the country than any other ever did. The object of these attacks was to drive from office a man, who did not happen to be present or he would not say as much, who, as a financier, and a man of industry and ability, had not his equal in the Province; and he would ask--were these attacks to be successful; and in a moment of irritation, the Inspector General were to resign office, where could they find his equal to succeed him? They could not form a Ministry from the other side of the House; and must be satisfied with the Government they had.⁶³

MR. INSP. GEN. HINCKS said that the Government were always anxious to hold the sessions of Parliament during the winter, but the objection had always come from hon. members themselves, who did not wish to be cooped up in a place during that season of the year, when they cannot reach their homes in twenty-four hours; but he had hoped that very shortly there would be such a system of railroad communication established that no objection of the kind could be urged.⁶⁴

MR. PROV. SEC. MORIN took the opportunity of saying two or three words with reference to the resolutions which he had laid before the House relative to a change in the constitution of the Legislative Council. He had introduced these resolutions because he thought the country required them; it was the only step that could be taken in the present stage of society of this country, in the absence of an aristocracy of any kind, to procure the services of men of a high standard in the Legislative Council. That was and still is, his opinion. He thought it necessary that the elective principle should be approved of by the House; and, so far as he could gather from the debates, it had met with general approval. As to the details which had been submitted, he still considered these the best, and that they should be adopted; but neither in the House or in the country, had there been such an expression of opinion as to induce the Government to move for their adoption at once. That he must frankly admit. The House being thus agreed on the principle, though not on the details, one question remained: how is legislation to be carried on during the interval, which must necessarily elapse before the principle is carried into effect? That interval must of course necessarily be longer in consequence of the great differences of opinion which exist on all the points of detail. Hon. members have witnessed, during a very considerable portion of the present session, the very small attendance of members of the Council, and there is reason to suppose that that difficulty will continue to exist; and it is no wonder for, although these hon. gentlemen are supposed to be so rich and influential, the peers of the realm, in fact, they, like the members of the House of Assembly, have their own business to attend to, and it is a

great burden for them to remain here at their own expense. He would say, therefore, that however opposed he might be to indemnify them for their expenses, as a permanent thing under the present constitution, it would be a question which he had no doubt would come before the Government; whether during the interval it would be possible for the country to ... indemnifying the gentlemen composing the Council. He threw out this suggestion merely because it is the intention of the Government to consider the question seriously, and to consult the House respecting it. It could scarcely be supposed that there would be much use in passing all sorts of bills through this House, if there was not another House ready to take action on them. He merely threw out this suggestion for the consideration of members during the recess.⁶⁵

MR. J.A. MACDONALD of Kingston said that Responsible Government was now in existence, fully acknowledged, but it was a new sort of Responsible Government. Formerly it was understood that the Government was responsible to the majority, but now it appears that they acknowledge responsibility to the minority. The minority was opposed to the ministerial project, and they, at once, threw it overboard. He was happy to see that they were now disposed to reject their own proposition as republican.⁶⁶

MR. MACKENZIE pledged himself to do his share towards obtaining a full expression of public opinion before the House met again, by going among the five hundred municipalities of Upper Canada, with tracts and pamphlets [*sic*] during the recess. He would take care that they should get a full dose of public opinion. He could scarcely believe, however, that the Government was prepared to receive it next February, for he had heard from a source on which he was disposed to place some reliance, that the adjournment would be turned into a prorogation; and that the House will meet at the tail of 1853 as they met at the tail of 1852.⁶⁷

MR. BROWN congratulated the Government on coming to their senses on the subject of the Legislative Council. He had on a former occasion told them that "discretion was the better part of valour," and he was rejoiced to see that they recognized the truth and value of the old proverb. He hoped that they would not again fall into the same error, and bring down another ill-considered scheme after the recess.⁶⁸

MR. PROV. SEC. MORIN.--This scheme was not ill-considered. It was, in his opinion, the best that could be devised.⁶⁹

MR. BROWN would then wish to understand on what principle the Provincial Secretary abandoned it, if he thought it was the best that could be devised?⁷⁰

MR. PROV. SEC. MORIN had never said that he would abandon it.⁷¹

MR. J.A. MACDONALD.--The Provincial Secretary maintains the principle, but abandons the details.⁷²

MR. BOULTON hoped that if the Government maintained this scheme, they would be able after the recess, to explain whether it was a Tory measure as the member for Kent alleged, or whether it was a republican measure as the member for Kingston averred.⁷³

MR. BROWN hoped that as they did not intend to abandon the measure, they would be prepared to explain its operation, and answer the questions which would be put to them, to discover how they could make an Elective Council work under the system of Responsible Government.⁷⁴

MR. PROV. SEC. MORIN had never said that it was a question which had anything to do with Responsible Government. It was, in reality, an organic change of the Government.⁷⁵

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And the Question being put on the Amendment; the House divided: and the names being called for, they were taken down, as follow:--

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YEAS.

Messieurs Boulton, Brown, Gamble, and Mackenzie.--(4.)

NAYS.

Messieurs Baldwin, Burnham, Cauchon, Chabot, Chapais, Solicitor General Chauveau, Christie of GASPE, Christie of WENTWORTH, Clapham, Crawford, Dixon, Egan, Fortier, Fournier, Gouin, Hartman, Hincks, Langton, LaTerrière, Laurin, LeBlanc, Lemieux, McDonald of CORNWALL, Macdonald of KINGSTON, Sir A.N. Mac-Nab, Mallock, Marchildon, Morcenais, Morin, Morrison, Patrick, Prince, Ridout, Attorney General Richards, Shaw, Sicotte, Stevenson, Street, Stuart, Taché, Tessier, Willson, Wright of East Riding of YORK, and Wright of West Riding of YORK.--(44.)

So it passed in the Negative.

And the Question being again proposed, That the said Resolution be now read a second time;

Mr. Mackenzie moved in amendment to the Question, seconded by Mr. Egan, That all the words after "That" to the end of the Question be left out, in order to add the words "this House will immediately resolve itself into a Committee of Supply, to consider the expediency of applying Thirty thousand pounds of any sum that may be voted by this House, to be appropriated in aid of the Roads and Bridges of the two Canadas; the said sum to be expended through Municipal Corporations, according to population," instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

MR. MACKENZIE moved that the report be not received; but that it is inexpedient to give a supply to Her Majesty until the duties on sugar, salt, molasses, and tea, which bear heavily on the working classes, be reduced.⁷⁶

No seconder. The motion consequently dropped.⁷⁷

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Then the main Question being put;

Ordered, That the said Resolution be now read a second time.

And the said Resolution, being read a second time, was agreed to.

The Honorable Mr. Chabot, one of Her Majesty's Executive Council, reported, That His Excellency the Governor General had been attended with the Joint Address of both Houses respecting the Address to Her Majesty on the subject of a Railway from Quebec to Halifax; and that His Excellency had been pleased to say, that he would transmit the said Address to Her Majesty, to the Secretary of State for the Colonies, that the same may be laid at the foot of the Throne.

The Honorable Mr. Morin, one of Her Majesty's Executive Council, presented, pursuant to Addresses to His Excellency the Governor General, dated 20th September, 1852, for Documents and information respecting the practicability of forming a safe Dock and Harbour for the reception of Shipping arriving at the Port of Quebec, &c., and for other information relative to the improvement of the Harbour of Quebec.

For the said Return, see Appendix (M.M.M.)

Return to an Address of the Legislative Assembly, dated 27th October, 1852, to His Excellency the Governor General, for a Return of the Debentures issued under the authority of the third Section of the Act 12 Vic. cap. 112, for Loans

towards defraying the expenses of the Court House now in progress of erection in Montreal, for Court Houses and Gaols in Kamouraska, Aylmer, and Chicoutimi, or for repairing or rebuilding Court Houses in Gaspé and Bonaventure,--said Return to shew the date and amount of each Debenture, when and where and to

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whom sold or paid, whether at a discount, at par, or at a premium, how any bonus that may have been received was applied, the names of the Broker and Agent who negotiated the Debentures, the commission or brokerage paid in each case, with copy of the Orders in Council upon which the same were issued by the Receiver General to meet the requirements of the Department of Public Works in the erection, repairing, and rebuilding of the said Court Houses and Gaols; and shewing what other funds have been applied to these works, with the gross expenditure.

For the said Return, see Appendix (N.N.N.)

Ordered, That the two preceding Returns be printed for the use of the Members of this House.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without Amendment; viz:--

Bill, intituled, "An Act for the establishment of a Line of Steam Vessels between this Province and the United Kingdom:"

Bill, intituled, "An Act to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture:"

Bill, intituled, "An Act to provide for the better organization of Agricultural Societies in Lower Canada:"

Bill, intituled, "An Act to amend the Act, intituled, 'An Act to incorporate the Orphan's Home and Female Aid Society, Toronto:'"

Bill, intituled, "An Act to authorize the Governor General to issue a Proclamation to declare the County of Perth to be separated from the United Counties of Huron, Perth, and Bruce, and for other purposes therein mentioned:"

Bill, intituled, "An Act to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water:"

Bill, intituled, "An Act to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-Laws for the better government of that part of the said Township which lies in the immediate vicinity of the Falls of Niagara:"

Bill, intituled, "An Act to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal:"

Bill, intituled, "An Act to amend the Act incorporating the Bytown and Prescott Railway Company:"

Bill, intituled, "An Act to make more effectual provision for enforcing the legal rights of the Crown in regard to Public Works in Lower Canada:"

Bill, intituled, "An Act to amend and explain the Act authorizing the issue of Debentures for giving relief to the City of Quebec:"

Bill, intituled, "An Act to make certain provisions with regard to Common Schools in Upper Canada, for a limited period."

And then he withdrew.

Mr. Lemieux, from the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Kamouraska, informed the House, that Louis Lacoste and Edward Short, Esquires, Members of the Committee, were not present within one hour after the time appointed for the meeting of the said Committee this day.

The House, according to Order, resolved itself into a Committee on the Twentieth Report of the Standing Committee on Standing Orders; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Street reported,

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That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the Bill, intituled, "An Act to amend the Act for the Incorporation of the Provincial Mutual and General Insurance Company of the City of Toronto," without any Amendment.

And then he withdrew.

The House, according to Order, resolved itself into a Committee on the Fifth Report of the Standing Committee on Contingencies; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Laurin reported, That the Committee had made some progress, and directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again this day.

A Message from His Excellency the Governor General, by René Kimber, Esquire, Gentleman Usher of the Black Rod:--

Mr. Speaker,

His Excellency the Governor General desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Legislative Council Chamber:--

And being returned;

Mr. Speaker reported, That agreeable to the commands of His Excellency the Governor General, the House had attended upon His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's Name, the Royal Assent to the following Public and Private Bills:--

An Act to remove doubts as to the powers of the Junior Judges of County Courts in Upper Canada.

An Act to authorize the appointment of Assistant Judges of the Superior Court for Lower Canada in certain cases.

An Act further to extend the period limited for certain purposes by the Montreal Registry Act.

An Act to amend the Act providing for the summary decision of Small Causes in Lower Canada.

An Act to supply an omission in Schedule B to the Upper Canada Municipal Corporations Law Amendment Act of 1850.

An Act to authorize the Court of Chancery and the Courts of Queen's Bench and Common Pleas in Upper Canada, in their discretion, to admit Neil Cameron McIntyre to practise as a Solicitor and Attorney therein.

An Act to amend an Act passed in the eighth year of the Reign of Her Majesty, to incorporate the Saint Lawrence and Atlantic Railroad Company, and to extend the power of the said Company.

An Act to repeal the Acts therein mentioned, and to improve the Law of Evidence in Upper Canada.

An Act to authorize the Montreal and New York Railroad Company to extend their Railroad, and to acquire the Land necessary for such extension, and for other purposes relative to the said Company.

An Act to extend and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, "An Act to provide for the appointment of Magistrates for the more remote parts of this Province."

An Act for the relief of Sufferers by the late Fire at Montreal, by facil-

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itating the negotiation of Loans to enable them to rebuild the property destroyed by the said Fire.

An Act to detach, for Judicial purposes, the Settlements of Sainte Anne des Monts and Cap Chat from the District of Gaspé, and annex the same to the District of Kamouraska.

An Act to authorize the Town of Dundas to grant its security to the Great Western Railroad Company, on behalf of the Desjardins Canal Company, for certain improvements on the said Canal.

An Act to provide by one general Law for the incorporation of Electric Telegraph Companies.

An Act to ascertain and establish the rights of the Co-proprietors of the Common of St. Antoine de la Baie.

An Act to incorporate the Grand Trunk Railway of Canada.

An Act to authorize an addition to the Capital Stock of the Bank of Montreal, and to facilitate the transfer of Shares in certain cases.

An Act to legalize and continue the Municipal Corporation of the Township of Torbolton.

An Act to amend the Charter of the Erie and Ontario Railroad Company.

An Act for avoiding doubts as to the true meaning of a certain enactment in the Act regulating Elections of Members of the Legislative Assembly.

An Act to incorporate the Quebec Temperance Hall Association.

An Act to amend the Act incorporating Bishop's College.

An Act to amend two certain Acts therein mentioned and for other purposes connected with the administration of McGill College.

An Act for the granting of certain Lots in the Town of Bytown, to the Bytown and Prescott Railway Company.

An Act to amend the Act incorporating the Toronto and Guelph Railway Company.

An Act to extend the provisions of the eighteenth Section of "The Railway Clauses Consolidation Act" to the Act incorporating the Peterborough and Port Hope Railway Company.

An Act to separate the Township of Romney from the Township of East Tilbury, and to erect the said Townships into independent Corporations.

An Act to incorporate the St. Mary's College of Montreal.

An Act to incorporate the Cobourg and Peterborough Railway Company.

An Act to authorize the construction of a Railway from Galt to Guelph.

An Act to authorize the City of Montreal to raise a Loan to consolidate their debt.

An Act to give effect to certain proceedings under the Act, intituled, "An Act to provide for the Indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight."

An Act to incorporate the Hamilton and Toronto Railway Company.

An Act to amend the Act extending the powers of the British America Fire and Life Assurance Company in Marine Assurance.

An Act for the relief of John Knatchbull Roche, of the Town of Port Hope, in the County of Durham, Provincial Land Surveyor.

An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company; and

to repeal certain Acts therein mentioned incorporating Railway Companies.

An Act to provide for the incorporation of a Company to construct a Railway from opposite Quebec to Trois Pistoles, and for the extension of such Railway to the Eastern Frontier of this Province.

An Act to amend the Act to incorporate certain persons under the name of the "Quebec Friendly Society."

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An Act to amend an Act, intituled, "An Act for the encouragement and relief of certain persons therein named, and others, and authorizing them to associate themselves by the name of the 'Quebec Benevolent Society,' under certain restrictions, rules, and regulations therein mentioned."

An Act to amend the Act to incorporate the Montreal Cemetery Company, and for other purposes therein mentioned.

An Act to authorize François Daigle and Alexis Dufresne to demand Tolls upon a Bridge which they have constructed on the northern branch of the River Yamaska.

An Act to authorize the City of Kingston to negotiate a Loan of Seventy-five thousand pounds to consolidate the City Debt, and for other purposes.

An Act to amend and extend the Act incorporating a Company for making a Railroad from the Village of Industry to the Township of Rawdon, in Lower Canada.

An Act to provide for the removal of the Registry Office of the County of Missisquoi from the place where it is now kept to a more central position.

An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company."

An Act to amend two certain Acts therein mentioned, and to make further provision for the management of the Post Office.

An Act to amend the Law relating to the Recorder's Court of the City of Montreal.

An Act to vest in the Corporation of the City of Hamilton, the "Gore" of King Street, for public purposes.

An Act to incorporate the Trustees of the Hamilton Orphan Asylum.

An Act to amend the Act incorporating the Ontario, Simcoe and Huron Railroad Union Company.

An Act to establish a Consolidated Municipal Loan Fund for Upper Canada.

An Act to provide for the improvement and enlargement of the Harbour of Montreal, and for the deepening of Lake St. Peter, and the improvement of the Navigation of the St. Lawrence between the said points, and for other purposes.

An Act to authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich.

An Act to incorporate the Grand Junction Railroad Company.

An Act for the establishment of a Line of Steam Vessels between this Province and the United Kingdom.

An Act to provide for the establishment of a Bureau of Agriculture, and to amend and consolidate the Laws relating to Agriculture.

An Act to provide for the better organization of Agricultural Societies in Lower Canada.

An Act to amend the Act, intituled, "An Act to incorporate the Orphan's Home and Female Aid Society, Toronto."

An Act to enlarge and extend the powers granted by the Act 12 Vic. cap. 81, so as to enable the Municipal Council of the Township of Stamford to make By-Laws for the better government of that part of the said Township which lies in the immediate vicinity of the Falls of Niagara.

An Act to authorize the Governor General to issue a Proclamation to declare

the County of Perth to be separated from the United Counties of Huron, Perth, and Bruce, and for other purposes therein mentioned.

An Act to incorporate a Joint Stock Company for the purpose of supplying the City of Hamilton with Water.

An Act to facilitate the winding up of the affairs of the Mutual Fire Assurance Company of the County of Montreal.

An Act to amend the Act incorporating the Bytown and Prescott Railway Company.

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An Act to make more effectual provision for enforcing the legal rights of the Crown in regard to Public Works in Lower Canada.

An Act to make certain provisions with regard to Common Schools in Upper Canada for a limited period.

An Act to amend and explain the Act authorizing the issue of Debentures for giving relief to the City of Quebec.

An Act to amend the Act for the Incorporation of the Provincial Mutual and General Insurance Company of the City of Toronto.

The House, according to Order, again resolved itself into a Committee on the Fifth Report of the Standing Committee on Contingencies;⁷⁸ and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Laurin reported, That the Committee had come to several Resolutions; which were read, as followeth:--

1. Resolved, That the Fifth Report of the Standing Committee on Contingencies be amended, by leaving out the word "Fifty" in the fourth paragraph thereof, and inserting the words "One hundred;" and by adding the words "provided that the amount granted be held to cover the entire Session" at the end of the said paragraph.

2. Resolved, That the said Report be further amended, by leaving out the ninth paragraph thereof.

3. Resolved, That this House doth concur with the Standing Committee on Contingencies in their Fifth Report, so amended.

The said Resolutions being read a second time;

Mr. Mackenzie moved, seconded by Mr. Morrison, and the Question being proposed, That this House doth concur with the Committee in the said Resolutions;

Mr. Brown moved in amendment to the Question, seconded by Mr. Prince, That all the words after "That" to the end of the Question be left out, in order to add the words "the said Resolutions be recommitted to a Committee of the whole House, with an Instruction to the said Committee to restore the ninth paragraph of the Fifth Report of the Standing Committee on Contingencies" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

And the Question being again proposed, That this House doth concur with the Committee in the said Resolutions;

Mr. Brown moved in amendment to the Question, seconded by Mr. Gamble, That all the words after "That" to the end of the Question be left out, in order to add the words "the said Resolutions be recommitted to a Committee of the whole House, with an Instruction to the said Committee to leave out the fifth paragraph of the Fifth Report of the Standing Committee on Contingencies, recommending a pension for the widow of the late Charles Olivier" instead thereof;

And the Question being put on the Amendment; the House divided:--And it passed in the Negative.

Then the main Question being put;

Resolved, That this House doth concur with the Committee in the said Resolutions.

The House, according to Order, again resolved itself into a Committee on the Twentieth Report of the Standing Committee on Standing Orders; and after some time spent therein, Mr. Speaker resumed the Chair; and Mr. Mackenzie reported, That the Committee had come to a Resolution; which was read, as followeth:--

Resolved, That this House doth concur with the Standing Committee on Standing Orders, in their Twentieth Report.

And the said Resolution, being read a second time, was agreed to.

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Ordered, That the remaining Orders of the day be postponed until the fourteenth day of February next.

Then, on motion of the Honorable Mr. Hincks, seconded by Mr. Mackenzie, The House adjourned until the fourteenth day of February next.⁷⁹

APPENDIX: 10 NOVEMBER 1852.

[NOTICE OF MOTION RE: DUTIES ON RED PINE.]⁸⁰

MR. BOULTON [gave notice that] on the 20th of February next [he would move] that the report of the Select Committee to whom was referred the reduction of Duties on Red Pine, be referred to a Committee of the whole House.⁸¹

[NOTICE OF ADDRESS RE: COST OF TIMBER SURVEYS.]⁸²

MR. EGAN [gave notice that] on the 15th of February next [he would move for an] Address to his Excellency the Governor General, praying that his Excellency will cause the proper officer to lay before this House a statement showing the amount expended by the Government in surveying Timber berths on the Ottawa and its tributaries for the past ten years, and what portion of the same has been paid by those holding berths, if any, and by whom the different surveys were performed and when, as well as the respective sums paid therefor.⁸³

[NOTICE OF ADDRESS RE: CANAL BETWEEN CHATS AND CHAUDIERE LAKES.]⁸⁴

MR. EGAN [gave notice that] on the 15th of February next [he would move for an] Address to His Excellency the Governor General, praying that His Excellency will be pleased to order a Survey and Estimate to be made for the purpose of ascertaining the probable cost of a canal to connect the Chats and Chaudiere Lake[s] on the River Ottawa as recommended by the hon. the Chief Commissioner of Public Works in the report laid by him before this House at the commencement of the present Session.⁸⁵

[NOTICE OF ADDRESS RE: QUEBEC RAILWAY SUSPENSION BRIDGE.]⁸⁶

MR. STUART [gave notice that] on the 14th of February next [he would move for an] Address to His Excellency the Governor General, praying that His Excellency will be pleased to cause the proper officer to lay before this House, a Report on a Railway suspension Bridge proposed for crossing the St. Lawrence River at Quebec made to his Worship the Mayor and the City Council of Quebec, by Edward William Serrell, Engineer, with the Maps, Plans, and Estimates accompanying the same.⁸⁷

[WITHDRAWN MOTION RE: VENTILATION OF THE HOUSE.]⁸⁸

MR. STUART submitted a resolution, in substance, that the Speaker communicate with the Commissioner of the Board of Works, relative to the ventilation of the apartment in which the House meets, in order that some measures might be taken to render it better adapted for the sitting of the House.⁸⁹

MR. J.S. MACDONALD the SPEAKER stated that he had had communication with the architect, and explained to the House the plan he proposed to carry into effect, for the better ventilation of the building.⁹⁰

MR. STUART expressed himself satisfied with the explanation; and, after a few remarks from other members, withdrew his motion.⁹¹

NOTICES OF MOTIONS.

(Note.--The date at the end of each Notice of Motion indicates when it was first given.)

For Monday, 14th February, 1853.

Mr. Taché--Bill to confer upon the Judicial Power the right of deciding contested Elections. 4th November.

Mr. Malloch--Enquiry of Ministry, that Clergy Reserve Lot number 39, on the Ottawa, in the Township of Nepean, having been purchased and paid for, together with the rent on the 7th Aug. last, under Order in Council of the 4th August, 1852, R. 1141; That the Lot, having been sold under the Regulations of 13th July, 1841, founded on the Imperial Act, 3rd and 4th Vic., cap. 78, Provincial Act, 4th and 5th Vic., cap. 100, and 12 Vic., cap. 31,--and Proclamation of Her Most Gracious Majesty in Council, dated respectively at London, 21st October, 1841, and 10th December, 1842, and the Patent stayed, the law of the land consequently violated, after the Lot was referred for the description, and the Lot described for Patent; whether it is the intention of the Government to issue the Patent forthright, or when, and if not, why not? 30th October.

Hon. Mr. Badgely [sic]--Address to His Excellency, for copies of all Correspondence between the Imperial and Provincial Governments, respecting the withdrawal of the Imperial Branch of the Customs from Montreal and Quebec. 14th September.

Mr. Fergusson--Bill to amend the Law relating to Oaths of Office of Municipal Officers of Upper Canada. 9th September.

Sir Allan N. MacNab--Bill to indemnify the Brock Monument Building Committee, and for other purposes therein mentioned. 8th November.

Mr. Chapais--Bill to establish a Board of Notaries in the District of Kamouraska, to be called the Board of Notaries of Kamouraska, and to amend the Act 10 and 11 Vic., cap. 21, in as far as it relates thereto. 9th November.

Mr. Marchildon--Committee of the Whole, to consider a series of Resolutions intended to demonstrate to the Imperial Government the injustice of the Union of Upper and Lower Canada, and praying for the repeal thereof. 9th November.

Mr. Stuart--Address to His Excellency, for a Report on a Railway Suspension Bridge for Crossing the St. Lawrence at Quebec, made by E.W. Serrill, Engineer. 10th November.

Mr. Lemieux--Enquiry of Ministry, whether they intend, during the present Session of Parliament, to bring in a measure to consolidate all the Road Laws at present in force in Lower Canada; and also, whether they intend to repeal the Act 13 and 14 Vic., cap. 40, intituled, "An Act to repeal two certain Acts therein mentioned relating to Agriculture, and to provide for the remedy of abuses prejudicial to Agriculture." 30th October.

Mr. Street--That the 64th and 66th Rules of this House be dispensed with, as far as the same relate to the Petition of the Warden and Reeve of the United Counties of Lincoln and Welland, praying for a more permanent Union of the Counties, with power to them ... [to] select a place for a County Town. 27th October.

Mr. Crawford--Bill, intituled, "An Act to give an Appeal from the several Division Courts in Upper Canada, and for other purposes mentioned." 27 October.

Mr. LeBlanc--Address to His Excellency, for copies of certain documents relative to the Commission appointed in 1845, to enquire into the Rebellion Losses in Lower Canada; and also the several Original Journals of the Commissioners appointed under the Act 12 Vic., cap. 58. 26th October.

Mr. Gamble--Bill to repeal so much of the 32nd George III, as applies to the appointment to the Office of Keeper of the Court Houses in the several Counties in Canada West, and to vest the same in the County Councils. 25th October.

Mr. Gamble--Committee of the Whole to consider the expediency of revising the duties imposed upon goods &c., imported into this Province, in order that the revenue derivable therefrom may be raised, in such a manner as to foster those branches of Canadian Industry, for which this Country possesses natural advantages. 3rd September.

Mr. Brown--Committee of the Whole, to consider Resolutions on the subject of fixing a stated time in each year for the assembling of Parliament. 18th October.

Mr. Laurin--Select Committee to enquire into certain negligence on the part of the Quebec Turnpike Trustees. 22nd October.

Mr. Egan--Committee of the Whole, on addressing His Excellency, relative to the adoption of measures for the improvement of the Ottawa section of the Province. 20th October.

Hon. Mr. Badgley--Address to His Excellency, praying Him to direct the proper officer to prepare and furnish to this House all the Contracts, Plans and Documents in connection with the erection and construction of the Court House at the City of Montreal, and all Correspondence with the Architects relative thereto. 20th October.

Mr. Christie (Wentworth)--Bill to authorize the construction of a Mill dam across the River Sydenham, and across Black Creek, its tributary. 18th October.

Mr. Tessier--Special Committee of seven Members, with instructions to enquire concerning the judiciary organization of the Courts of Justice and the Administration of Justice in Lower Canada with authority to send for witnesses, papers, &c. 15th October.

Mr. Smith (Durham)--Bill to extend the provisions of the Insolvent Debtors' Act of Upper Canada. 9th September.

Mr. Tessier--Appointment of Committee on amending the Ordinance providing for the improvement of certain Roads in the neighborhood of the City of Quebec. 6th October.

Mr. Boulton--Will move to Resolve, That taking into consideration the neglect of the best interests, welfare, and improvement which has been evinced by the Provincial Executive Government, during the continuance in office of the present Ministers of the Crown, their reckless extravagance in the place of a judicious retrenchment of the Public Expenditure, their neglect and mismanagement of the Crown Land Department, whereby the Province has been defrauded of a considerable revenue that should be collected on Timber, their expenditure of large sums of money without the authority of Parliament, the remission and refunding of Timber Duties contrary to law, their gross neglect of the Sinking Fund required by law, withholding Returns provided for by law from Parliament, the neglect of our Public Institutions, their careless and unbusiness-like mode of conducting the business of the Executive, whereby erroneous duties have been attached to an Order in Council, on a subject of vital importance--the superseding of the law by the authority of a single Department, to the loss of the Provincial Revenue, the general want of principle evinced in their legislation, and the fact that in the Executive Council there exists the avowed advocates of the most opposite principles of Public Policy,--this House can have no

confidence in the manner in which the administration of affairs in this Province is advised and conducted. 30th October.

Mr. Egan--Address to His Excellency the Governor General, praying that He will recommend to this House, that a sum of money be granted to improve Long Sault and Carillon Rapids on the River Ottawa, for the purpose of facilitating the descent of Timber, Deals and Saw Logs. 8th November.

Mr. Egan--Addresses to His Excellency, for certain information relative to Surveys in the County of Ottawa. 8th November.

Mr. Stuart--Enquiry of Ministry, how it has happened that no Return has yet been received of an Address of this House, of the 3rd Septem. last, for a Statement of sums of money received by each of the Officers of Justice in Lower Canada, under the 13th and 14th Vic. Chap. 37, assigning fixed annual salaries to such Officers, and forming a Special Fund out of the salaries attached to their offices, and other information as to the working of that Act. 8th November.

Mr. Stuart--Enquiry of Ministry, how it has happened that no Return has as yet been made to an Address of this House, of the 20th September last, for information respecting the making of a safe Dock and Harbor for Shipping at the Port of Quebec, and the Survey of the River St. Charles, and the granting of Beach and deep water Lots, and other objects mentioned in that Address. 8th Nov.

Mr. Stuart--Enquiry of Ministry, how it has happened that no Return has as yet been made to an Address of this House, of the 4th of October last, for a copy of Instruments appointing Trustees for the erection of an Hospital for the reception of sick Seamen, and other indigent sick persons in the City of Quebec, and appointing Managers of the Marine Hospital, and Commissioners of the Emigrant Hospital at Quebec, the rules and regulations for the management thereof, and the authority under which the Managers and Commissioners were appointed. 8th Nov.

Mr. Stuart--Enquiry of Ministry, how it has happened that no Return has as yet been made to an Address of this House, of the 4th of October last, for documents respecting the Building erected in the Lower Town of Quebec to be the Custom House, and Correspondence respecting the removal of the Custom House Department to any other building, authority for the occupation of the Custom House as a Barrack by the Water Police, and reference and report whether it will accommodate the proposed Provincial School of Navigation, and Report of measures adopted for erection of a new Custom House, with Plans and Estimates, if any? 8th Nov.

Mr. Sicotte--Special Committee to inquire into the State of Instruction in Lower Canada, the working of the School Law, the effectiveness of the Department of Instruction in Lower Canada, and the means of rendering more effective the Legislative enactments adopted for the advancement of Instruction, with power to send for papers, records, and persons, and that this Committee be composed of the following gentlemen: The Hon. Mr. Drummond, Messrs. Egan, Cartier, Polette, Lacoste, Sanborn, and the Mover. 8th November.

Mr. Clapham--Will move certain Resolutions on the subject of Emigration, and the appointment of a Provincial Emigrant Agent to reside in the United Kingdom. 8th November.

Mr. LeBlanc--Enquiry of Ministry, whether Government admits that the Act 12th Vic., chap. 58, intituled, "An Act to provide for the indemnification of parties in Lower Canada, whose property was destroyed during the Rebellion, in the years one thousand eight hundred and thirty-seven, and one thousand eight hundred and thirty-eight," had in view the indemnification of every person who has suffered losses by the total or partial, unjust, useless or malicious destruction of his houses, buildings, property and effects, and by the seizure,

pillage or carrying away of his property and effects in the suppression of the Rebellion, if such person had not been convicted or banished as specified in the proviso to the preamble of the Act aforesaid.

Whether, admitting such intention, the Government does not regard as absolutely illegal, null, and a violation of vested rights, the exclusions from the benefit of indemnity contrary to the aforesaid principle, inasmuch as they are made out because the losses suffered by such persons having neither been convicted nor banished, were not unjust, useless or malicious, that is to say, not the necessary effect of the resistance made by them to the troops or of any other Act of participation in the Rebellion which was a necessary cause thereof; but because such persons did some of them, take part in the Rebellion without establishing that such participation was an immediate cause of their losses aforesaid, and others for such participation, or because they had been held to be disloyal, by the Commissioners under the Ordinance 1 Vic. chap. 7, although the aforesaid Act 12 Vic. chap. 58, had established no incapacity to receive (fin de non recevoir) such indemnity for such causes.

Whether, regarding their exclusions as being illegal and null, and as being a violation of the rights accruing under the Act aforesaid to the claimants illegally excluded, the Government, with a view to fulfil towards them the promise or pledge therein mentioned, intends to do one and which of the following things?

1st. To pay the claimants illegally excluded, together with those not excluded, out of the monies appropriated for the indemnification of unjust, useless or malicious losses, by paying the losses of the claimants excluded as stated by the Commissioners, according to the amount at which they are so stated, and those not so stated according to the amount proved in detail in the Journal of the Commissioners.

2nd. To delay the payment of the said losses, until the claimants illegally excluded can have caused the Acts of exclusion to be set aside by competent Tribunals.

3rd. To retain out of the monies payable to all the claimants who have suffered losses unjustly, uselessly or maliciously, that part of the said monies which belongs to the said claimants illegally excluded, until they shall have caused the Acts excluding them to be set aside, as aforesaid, save and except only the case of their failing to do so, and in that case to distribute amongst the claimants who are not excluded, the monies of such claimants so excluded, who have not caused the said Acts of exclusion to be set aside.

4th. To ask from Parliament at its meeting in February next, a new appropriation of monies for the indemnification of the losses of the said claimants illegally excluded. 8th November.

Mr. LeBlanc--Enquiry of Ministry, whether after having received the Report of Commissioners in January, and after having seen, by the reasons assigned in the Acts of exclusion, and by the Acts of dissent from the said Acts of exclusion annexed to the Report, the illegality and the absolute nullity of the exclusions, supposing that the Government admits the intention of the law to be as above state[d], it (Government) has given notice of the exclusions to the parties interested in order to give them an opportunity of defending themselves, if Government do not think proper to set aside those exclusions on account of their illegality and absolute nullity as aforesaid, and if such notice has not been given, what justifiable reason it has had for not giving it, consistent with the duty of protection, which it owes to such claimants illegally excluded by reason of its knowledge of such exclusion, and the ignorance of the claimants thereof. Also, whether there have not been claimants who had required copies of the proceedings on claims, in order, to ascertain whether they were excluded with a view to their defence; and whether Government

has granted such copies; and in case it has not so granted them, what reason has influenced it to refuse them, if it was not proposed to acknowledge the complete illegality and nullity of the exclusion of these claimants, supposing it to have taken place, and to provide a remedy therefor? 8th November.

Mr. Boulton--That the detailed Statement of Bonds and Securities which had been registered between the 20th May, 1851, and the 12th August, 1852, prepared in compliance with the 15th section, 5 and 5 [sic] Vic., cap. 91, and laid before this House, be now read. 9th November.

Mr. Boulton--Enquiry of Ministry, whether the Hon. John Rolph, Commissioner of Crown Lands, gave the security required by Law for that office within the time limited, and whether the Office of Commissioner of Crown Lands, is not now vacant? 9th November.

Mr. Boulton--That it is the opinion of this House that the Hon. John Rolph has forfeited his Office of Commissioner of Crown Lands, by not complying with the provisions 4th and 5th Vic. caps. 19 and 100. 9th November.

Hon. Mr. Merritt--Committee of the Whole, for the purpose of considering certain Resolutions on the subject of Reciprocity. 30th October.

Hon. Mr. Horin [sic]--Bill to remove the Registry Office of the County of Terrebonne, from Terrebonne to St. Therese, where it was originally held. 30th October.⁹³

Mr. Mackenzie--Resolution--That the present practice of depositing the Public Revenue in one Chartered Bank, operates to the injury of the Commercial and Agricultural interests of the Country. 1st October.

Mr. Mackenzie--Address to His Excellency, for a Statement of Receipts and Expenditure on the Rideau Canal for the year 1851; also for Gross Receipts and Expenditure of the Indian Department, and for certain other returns relative to Railways for the years 1849, 1850, and 1851. 5th November.

Mr. Dubord--Bill to regulate the Elections of the Churchwardens for the Parish of Notre Dame de Quebec, of the Parish of St. Roch de Quebec, and of the Parish of St. Jean Baptiste of the Quebec Suburbs. 1st October.

Mr. Stuart--Bill to amend the Act of Incorporation of the British North American Telegraph Association. 1st October.

Mr. Seymour--That it is of great importance to the Commercial and general interests of the Province, that any alteration or re-adjustment of the Tariff, and any imposition of differential Duties and Tolls, should be submitted to this House, for Legislative action thereon, before the proposed Adjournment on Wednesday, the 10th November, and that any delay in such Legislative action will be highly [sic] injurious to the Province. 4th November.

Mr. White--To dispense with the 64th and 66th Rules in respect of Petition of A. McNaughton, Esquire, and others. 28th October.

Mr. Stuart--Address to His Excellency, for a copy of certain Letters Patent appointing a Judge of the Superior Court to reside at the Town of Sherbrooke; and for a detailed statement of the sums paid to him as salary or allowance, and relative to the future appointment of such Judge. 26th October.

Mr. Laurin--Bill to amend the Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, with respect to Summary Convictions and Orders. 26th October.

Mr. White--Bill to separate the County of Halton from the County of Wentworth. 26th Oct.

Mr. Cauchon--Committee of the Whole, to consider the following Resolutions:--

1. That the Provincial Grand Trunk Railroad ought to comprise the whole distance lying between the Western and Eastern frontier of Canada, passing through Hamilton, Toronto, Kingston, and Montreal, thence along the North Shore of the St. Lawrence to Quebec, and from Quebec to the Eastern frontier, following the Northern line run by Major Robinson.

2. That since the Provincial Grand Trunk Railroad is of the highest importance to the general prosperity of Canada, and the Credit of the Province must moreover be pledged for the construction thereof to a considerable amount, it is, according to the spirit of our Constitution, essentially a Government measure, and should therefore originate with the Executive.

3. That in order to set at rest all well founded apprehensions, and to secure to all parties in the country the full benefit to result from the existence of a Provincial Railroad, the entire work of construction ought to be entrusted in one and the same body of Directors, in pursuance of one and the same law, and be executed, as nearly as possible, at one and the same time, on all parts of the line. 25th October.

Mr. Stuart--Committee of the Whole, for the purpose of considering the expediency of abolishing the duties on Printing Presses and Types. 20th October.

Mr. Stuart--Enquiry of Ministry, whether a Judge for the Inferior District of St. Francis has been appointed, and if not, whether it is the intention of the Government to make such appointment without delay. 20th October.

Hon. Mr. Young--Address to His Excellency, for a copy of a Report made by the Hon. H.H. Killaly, relative to the Charter of the St. Lawrence and Atlantic Railroad; also, for copies of Correspondence between the Quebec and Richmond Railroad Company and the Railway Commissioners, &c.⁹⁴

Mr. Boulton--For a Special Committee to enquire and report as to the terms on which the Hon. Inspector General, a member of this House, and one of Her Majesty's Confidential Advisers, agreed to negotiate a Public Loan for the City of Montreal,--and that the said Committe[e] shall have power to send for persons and papers. 19th October.

Mr. Boulton--Address to His Excellency, for copies of certain Correspondence on the subject of Local Improvements, and relative to the reduction of Crown Lands, in the County of Huron; and also, for a Statement relative to the Fund formed for Roads or other purposes, by the appropriation of 4s. 6d. per acre on Crown Lands. 11th October.

Mr. Stuart--Committee of the Whole, for the consideration of a Resolution relative to the payment of Petit Jurors in Lower Canada. 8th October.

Mr. White--Bill to legalize the formation and proceedings of the Nelson and Nassagaweya Road Company. 20th September.

For Tuesday, 15th February, 1853.

Hon. Mr. Morin--Committee of the Whole, for the purpose of considering the expediency of appropriating out of [the] unexpended or unappropriated balance of the Common School Fund for Lower Canada, for the year 1851, a sum not exceeding £3,500 currency, as an aid for the building of School Houses under the direction of the School Commissioners, and a further sum not exceeding £5000 currency, as aid for Education in Lower Canada, in such manner as may be hereafter devised by Parliament during the present Session. 2nd November.

Mr. Christie (Gaspé)--Address to His Excellency, on reprinting and distributing certain Editions of "Edits, Ordonnances Royaux, declarations et arrêts du Conseil d'Etat du Roi concernant le Canada," &c. 2nd November.

Mr. Egan--Address to His Excellency, for a Statement relative to Timber dues paid by Lumberers on the Ottawa and its tributaries, during the last five years. 21st October.

Mr. Sicotte--Committee of the Whole, to take into consideration certain Resolutions relative to Assessments for the construction of Court Houses and Gaols. 22nd October.

Mr. Boulton--Committee of the Whole, to consider certain Resolutions, on the subject of Freights and Emigration--the appropriation of the proceeds of the Public Lands, &c. 14th October.

Mr. Mongenais--Bill to incorporate a Company for the purpose of constructing a Railway from some part of the Georgian Bay on Lake Huron, touching at the Towns of Peterborough, Perth and Bytown, and thence to join the Main Trunk Railroad at Vaudreuil. 8th November.

Mr. Egan--Bill to incorporate a Company to construct a Railway from Quebec to the Georgian Bay, passing through Three Rivers, Montreal, Hull, Bytown, Carleton Place, and Peterborough, to be called the Great Northern Trunk Railway of Canada. 8th November.

Mr. Boulton--Address to His Excellency, praying that he will cause to be laid before this House, copies of all Correspondence relative to the resignation of the Office of Commissioner of Crown Lands, by the Hon. James Hervey Price, and the acceptance thereof by the Hon. John Rolph, and giving the dates of such resignation and acceptance respectively. 8th November.

Mr. Lyon--Bill to incorporate the Canada Central Railway Company, from the City of Quebec to Georgian Bay, by the route of the North Shore of the River St. Lawrence, Hawkesbury, Perth and Peterborough. 8th November.

Mr. Brown--Bill for the construction of a Ship Canal to connect the River Niagara with Lake Erie at the Fort Erie Rapids. 9th November.

Mr. Morrison--Bill to incorporate the Nottawasaga River Navigation Company. 9th November.

Hon. Mr. Badgely [sic]--Bill for the consolidation of the Civil Law of Lower Canada, and the establishment of a practice connected therewith. 9th November.

Hon. Mr. Badgley--Bill to amend the Laws for the establishment of Courts of Original Civil Jurisdiction in Lower Canada. 6th November.

Mr. Egan--Address to His Excellency, relative to a Canal to connect the Chats and Chaudiere Lake[s] on the Ottawa River. 10th November.

Mr. Egan--Address to His Excellency, for a Statement respecting the cost of surveying Timber Berths on the Ottawa and its tributaries. 10th November.

For Wednesday, 16th February, 1853.

Mr. Boulton--Address to His Excellency, praying that He will cause to be laid before this House, a Return from each of the several Crown Land Agencies below Quebec, shewing the number of Saw Logs cut and quantity of Timber cut on the Waste Lands of the Crown below Quebec--on the St. Lawrence, or its tributaries, by whom cut, and the amount of duty paid by each party for Timber or Logs respectively, since 1st January, 1849. 6th November.

Mr. Ridout--Bill for the purpose of constructing the "Buffalo and Toronto Railway" having its termini at or near Fort Erie on the Niagara River and Port Dalhousie on Lake Ontario, passing through Port Robinson, and St. Catherines. 9th November.

For Friday, 18th February, 1853.

Mr. McDougall--Address to His Excellency the Governor General, for Copies of all Correspondence between the Government and Mr. Joly, relative to Point Platon Wharf, for copies of all Surveys and Reports relative to the said Wharf, and for the quarterly returns of Postage and allowance to Postmasters at that place, since its establishment as a Mail Station. 9th November.

For Monday, 21st February, 1853.

Mr. Boulton--That the Report of the Select Committee to whom was referred the reduction of Duties on Red Pine, be referred to a Committee of the Whole House. 10th November.

For Tuesday, 28th [sic] February, 1853.

Mr. Brown--Committee of the Whole, on expediency of reducing the rate of Letter Postage from three pence to one penny. 10th September.

For Tuesday, 7th [sic] March, 1853.

Mr. Brown--Address to Her Majesty, praying for the recall of the grant of Vancouver's Island to the Hudson's Bay Company, at the expiration of their charter; also, that the Royal License of Trade, over the "Indian Territory," granted to the said Company, may not be renewed; and that the whole of the territory, now held by the Hudson's Bay Company, may be annexed to this Province. 23rd August.⁹⁵

FOOTNOTES: 10 NOVEMBER 1852.

1. The following papers reported the debate on this matter in identical accounts: MORNING CHRONICLE, 12 November 1852, PILOT, 16 November 1852, BRITISH COLONIST, 19 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852. The debate was also reported by GLOBE, 25 November 1852 (which misdated its account as "10 February"). The following papers noted the debate on this matter in identical, separate accounts: MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 19 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852. The debate was also noted by QUEBEC GAZETTE, 10 November 1852.
2. GLOBE, 25 November 1852.
3. IBID.
4. IBID.
5. MORNING CHRONICLE, 12 November 1852.
6. GLOBE, 25 November 1852.
7. IBID.
8. MORNING CHRONICLE, 12 November 1852.
9. GLOBE, 25 November 1852.
10. MORNING CHRONICLE, 12 November 1852.
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15. GLOBE, 25 November 1852.
16. MORNING CHRONICLE, 12 November 1852.
17. GLOBE, 25 November 1852.
18. MORNING CHRONICLE, 12 November 1852.
19. GLOBE, 25 November 1852.
20. IBID.
21. GLOBE, 25 November 1852. The ellipsis represents an illegible word.
22. MORNING CHRONICLE, 12 November 1852.
23. GLOBE, 25 November 1852.
24. MORNING CHRONICLE, 12 November 1852.
25. GLOBE, 25 November 1852.
26. MORNING CHRONICLE, 12 November 1852.
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34. MORNING CHRONICLE, 12 November 1852.
35. GLOBE, 25 November 1852.
36. MORNING CHRONICLE, 12 November 1852.
37. GLOBE, 25 November 1852.
38. QUEBEC GAZETTE, 10 November 1852.
39. GLOBE, 25 November 1852.
40. IBID.
41. IBID.
42. MORNING CHRONICLE, 12 November 1852.
43. GLOBE, 25 November 1852.
44. MORNING CHRONICLE, 12 November 1852.
45. GLOBE, 25 November 1852.

46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. MORNING CHRONICLE, 12 November 1852.
55. GLOBE, 25 November 1852.
56. IBID.
57. IBID.
58. MORNING CHRONICLE, 12 November 1852.
59. GLOBE, 25 November 1852.
60. MORNING CHRONICLE, 12 November 1852.
61. IBID.
62. IBID.
63. GLOBE, 25 November 1852.
64. IBID.
65. GLOBE, 25 November 1852. The ellipsis represents illegible words.
66. GLOBE, 25 November 1852.
67. IBID.
68. IBID.
69. IBID.
70. IBID.
71. IBID.
72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. IBID.
77. IBID.
78. JOURNAL DE QUEBEC, 13 November 1852, contained the following commentary on the debate on this matter: "Rien n'était plus amusant que de voir nos graves législateurs, semblables à des écoliers la veille des vacances, parler, crier, vociférer tous ensemble, et voter sans trop savoir sur quoi ni pour quoi. On discutait, chicanait sur un vote de £10, de £25, de £50....Somme toute, la dernière séance des députés canadiens, n'est guère propre à donner aux spectateurs une bien haute idée de la sagesse et de la dignité des mandataires du peuple."
79. JOURNAL DE QUEBEC, 13 November 1852, noted that the adjournment took place "vers 4 heures," and that "les députés se sont séparés en poussant un vigoureux hurrah!" MONTREAL GAZETTE, 12 November 1852, stated that "the House adjourned this day at one o'clock." Commentaries on the adjournment appeared in HAMILTON SPECTATOR WEEKLY, 11, 18 November 1852.
80. The following papers reported this notice of motion in identical accounts: MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 19 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852.
81. MORNING CHRONICLE, 12 November 1852.
82. The following papers reported this notice of address in identical accounts: MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 19 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852.
83. BRITISH COLONIST, 19 November 1852.
84. The following papers reported this notice of address in identical accounts:

MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 19 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852.

85. MORNING CHRONICLE, 12 November 1852.
86. The following papers reported this notice of address in partially identical accounts: MORNING CHRONICLE, 12 November 1852, BRITISH COLONIST, 19 November 1852, and HAMILTON SPECTATOR WEEKLY, 25 November 1852.
87. MORNING CHRONICLE, 12 November 1852.
88. This withdrawn motion was reported by GLOBE, 25 November 1852 (which misdated its account as "10 February").
89. GLOBE, 25 November 1852, which attributed the resolution to Mr. J.S. MacDonald the Speaker.
90. GLOBE, 25 November 1852.
91. IBID.
92. This list of unfinished business appeared in HAMILTON SPECTATOR WEEKLY, 25 November 1852, which commented that: "Since the adjournment of the Legislature, a paper has been prepared, shewing the state of the business at that time, and the order in which it now stands for further legislation. This document has evidently been compiled with great care, and as it must be interesting to our readers generally, we publish it entire."
93. HAMILTON SPECTATOR WEEKLY, 25 November 1852, which misdated this Notice of Motion. It was first given on 3 November 1852.
94. HAMILTON SPECTATOR WEEKLY, 25 November 1852, did not report a date for this Notice of Address.
95. HAMILTON SPECTATOR WEEKLY, 25 November 1852.

PROPER NAME INDEX

INTRODUCTION

The Index is limited to the names of the men who sat in the Canadian Assembly in 1852. It therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as Félix Fortier, Clerk of the Crown in Chancery, who at one time or another addressed the House from within the Bar. It also excludes the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatories to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit the Proper Name Index to members of the Assembly was made necessary by the fact that in 1852 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the Proper Name Index refers to every occasion when a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the Subject Index.

This Index refers only to Part II of Volume XI. The continuation of the Proper Name Index will be included at the end of Parts III and IV, followed by an Index of the subjects in Volume XI, Part IV.

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